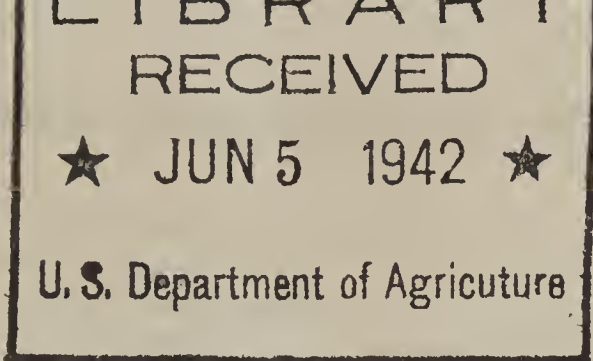


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Issued March 1942

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

FEDERAL FOOD, DRUG, AND COSMETIC ACT
INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 1-1500

[Published during the period Mar. 1940-Oct. 1941]

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Broder, Lloyd:		raisins.....	286, 660
currants.....	109	California Prune & Apricot Growers Assoc.:	
Broeker, Charles, & Co.:		prunes.....	125, 445, 908, 1321, 1322
grits.....	1036	California Tomato Juice, Inc.:	
Brogden & Hazel:		tomato juice.....	891
apples.....	238	California Walnut Growers Assoc.:	
Brooklyn Wholesale Grocery Co.:		walnuts.....	477
tuna, canned.....	1282		

Camp, Wm. A.:	N. J. No.	Chase Candy Co.:	N. J. No.
almonds.....	470	candy.....	146, 315, 925
Camp, Wm. A., Co., Inc.:		Chase Sales Co.:	
nuts.....	297, 298, 471, 667	peanut butter.....	134, 305
tuna, canned.....	808, 1457	Check, J. C.:	
Campbell Produce Co.:		cream.....	1259
cream.....	568	Cheever, C. E.:	
Campbell Soup Co.:		blueberries.....	824
poultry, frozen.....	461	Chef Boiardi Food Products:	
tomato soup.....	127	spaghetti dinner.....	1042
Campisi, Charles:		Cherokee Mills Co.:	
cabbage.....	268	flour.....	14
Campisi, Jimmy:		Cherry Specialty Co.:	
cabbage.....	266	candy.....	688-690
Canaan, Ray, Co.:		Chesapeake Dairy Products Co., Inc.:	
crab meat.....	1113	butter.....	717
Canadian Mill & Elevator Co.:		Chesapeake Packing Co.:	
flour.....	989	crab meat.....	1110, 1115
Cannon Bros. Peanut Co., Inc.:		Chesbro Robbins & Graham:	
peanuts.....	671	haddock, frozen.....	1274
Cape Ann Cold Storage Co.:		Chesrown, Harold:	
perch, frozen.....	71	cream.....	1259
Cape Ann Fisheries, Inc.:		Chicago Almond Products Co.:	
fish fillets, frozen.....	1276	nut topping.....	673
Cape Ann Sea Food Corporation:		Chicago Biscuit & Cone Co.:	
pollack, frozen.....	1124	popcorn bars.....	316
Carbon County Creamery Co.:		Chicago Candy Association:	
butter.....	375	candy.....	144, 690, 1378
Carbondale Mountain Huckleberry Farms:		Chicago Candy Co.:	
blueberries.....	864	candy.....	683
Cardinet Candy Co., Inc.:		Chicago Laboratories:	
candy.....	1377	vanilla flavor.....	698
Carjon Food Products Co.:		Chicago Macaroni Co.:	
noodle soup mix.....	1230	macaroni products.....	365, 1222
Carpenter Cook Co.:		Chickasha Milling Co.:	
tomato catsup.....	613, 881	flour.....	959
Carroll, Chas., & Co.:		Chowan Milling Co.:	
crab meat.....	1107, 1108	corn meal.....	1026
Carstarphen, Inc.:		Christians, H. C., Co.:	
candy.....	1384	butter.....	1444
Carter, Macy Co., Inc.:		Christy, C. N.:	
tea.....	952	cream.....	60
Carteret Fish Co.:		City Mills Co.:	
shrimp, frozen.....	590	corn meal.....	1009
Carthage Creamery Co.:		Clamme, Albert:	
butter.....	1240	tomato puree.....	642
Cascade Creamery:		Clamme Canning Co.:	
butter.....	536	tomato puree.....	285, 642, 1153
Casey Concession Co.:		Clamme, C. J., Sr.:	
candy.....	317, 495, 496, 947	tomato puree.....	642
Castleberry's Food Co.:		Clarke Milling Co.:	
peanut butter.....	922	corn meal.....	1217
Catawba Creamery:		Claussen's, H. H., Sons, Inc.:	
butter.....	35	raisins.....	289
Catz American Co., Inc.:		Clements, Harold:	
prunes.....	1165	cream.....	392
Cella, G., Inc.:		Cleveland, Ira:	
candy.....	1387	apples.....	598
Centennial Flouring Mills Co.:		Clinton Creamery:	
flour.....	970, 997, 1206	butter.....	44, 387, 1237
Central West Shippers:		Clinton Creamery Co.:	
butter.....	373	butter.....	744
Chardon Chocolates Co.:		Cloverleaf Creamery:	
candy.....	924	butter.....	1255
Charney, John:		Clutts, R. E.:	
blueberries.....	823	butter.....	1254

	N. J. No.		N. J. No.
Cochran, Claude:		Covell Higby Co.:	
cream.....	60	potatoes.....	874
Cohen, L., Grocer Co.:		Cranbury Poultry Co.:	
flour.....	957	poultry.....	1342
Cohn, Samuel:		Crane Chocolate Co.:	
blueberries.....	825	candy.....	926
Colby & McDermott:		Crocheron Bros.:	
candy.....	492	crab meat.....	64
Cold Springs Creamery:		Crouch, A. T., Creamery Co.:	
butter.....	1065	butter.....	747
Collin County Milling & Elevator Co.:		Crown Butter Co.:	
flour.....	176	butter.....	723
Collins, A. J.:		Crown Candy Co.:	
butter.....	1417	candy.....	927, 1190
Collins, Arthur:		Crown Mills:	
apples.....	1287	flour.....	181, 990
Collins Flour Mills:		Crown Products Corporation:	
whole wheat flour.....	186	apple butter.....	654
Coloma Fruit Exchange:		Crowther Bros. Milling Co.:	
apples.....	244	whole wheat flour.....	23
Colonial Candy Co.:		Crusty Pie Co.:	
candy.....	498	huckleberries.....	1289
Colonial Milling Co.:		Crystal Candies, Inc.:	
flour.....	338	chocolate-covered cherries.....	499
Colonial Shrimp Co.:		Cuccia, G., & Sons, Inc.:	
shrimp, frozen.....	395, 588	tomato paste.....	636
Colorado Packing Plant:		Cudahy Packing Co.:	
tomato puree.....	1475	butter.....	208, 535, 726, 793, 1052, 1240
Columbia Tea Co.:		Culpeper Creamery Co.:	
olive oil.....	1353	butter.....	32
Columbus Milling Co.:		Cummings, Harold:	
corn meal.....	1010	apples.....	259
Colwell, A. W., & Co.:		Cupp, J. A.:	
huckleberries.....	870	cream.....	1259
Colwell, J. F.:		Curtis & Co., Inc.:	
huckleberries.....	871	blueberries.....	858
Commercial Creamery Co.:		Curtiss Candy Co.:	
butter.....	745, 1435	candy.....	684
Concord Corporation:		Cusimano, J., & Co.:	
canned field peas with snaps.....	421	macaroni.....	367
Conklin, F. C.:		Dairy & Poultry Co., Inc.:	
poultry.....	1340	butter.....	1069
Connecticut Pie Co.:		Dairy & Poultry Co-Op., Inc.:	
huckleberries.....	1290	butter.....	558, 751, 1058, 1083
Conrad, J. F., Grocer Co.:		Dairymen's Cooperative Creamery of Boise	
spinach, canned.....	1144	Valley:	
Consolidated Companies, Inc.:		butter.....	538, 748, 1053
flour.....	164	Dan Valley Mills:	
Consolidated Freight Forwarding Co.:		self-rising flour.....	353
tomato paste.....	631	Danahy-Faxon Stores, Inc.:	
Co-Op Union Merc. Co.:		butter.....	1054, 1067
cream.....	568	Dannemiller Coffee Co.:	
Cooperative Farmers Creamery:		tea.....	328
butter.....	746	D'Antoni, Romano:	
Cooperative Union Mercantile Co.:		huckleberries.....	869
cream.....	1258	Dasher, R. B.:	
Cora Lou Confectioners:		apples.....	82
candy.....	1196	Dauber Bros.:	
Corners, W. W.:		butter.....	743, 1057
apples.....	407	Daugherty, A. T., Produce Co.:	
Cottonwood Dairy Products:		packing-stock butter.....	1093
butter.....	537	Davies, K. M., Co., Inc.:	
Country Club Dairy:		peas, canned.....	417, 418, 1464
butter.....	1060	Davies, Theo. H., & Co., Ltd.:	
Couse, H. H.:		tomato paste.....	633
cream.....	1258	Davies Warehouse Co.:	
		cookies.....	370

Davis-Cleaver Produce Co.:	N. J. No.	Dixieland Products Co.:	N. J. No.
butter.....	1089	peanut butter.....	306, 307, 676
Davis, E. H.:		Dobry Flour Mills, Inc.:	
cabbage.....	265	flour.....	960
Davis, Joe:		Dockman, John H., & Son, Inc.:	
cabbage.....	265	candy.....	318
Davis Manufacturing Co.:		Dodd Warehouses:	
lemon extract.....	695	pecans.....	1172
Davis, Mott & Son:		Domestic Egg Products, Inc.:	
poultry.....	910	egg powder.....	62
Davis, W. C.:		Domino Macaroni Co.:	
poultry.....	910	spaghetti.....	1040
Dawes, J. C.:		Dorgan Packing Corporation:	
cream.....	60	tomatoes, canned.....	1304
Dawson Cotton Oil Co.:		D'Orlando & Co.:	
peanuts.....	670	candy.....	929
Day, R. F.:		Dorman-Smith Evaporating Co.:	
cream.....	570	apples, evaporated.....	1314
Decatur Milling Co.:		Dorsel Co.:	
corn meal.....	189, 1035	corn meal.....	517
Dechant, F. R.:		Dougherty, C. J.:	
cream.....	1258	huckleberries.....	872
Deer Creek Creamery Co.:		Dowl, P. C.:	
butter.....	37	pecans.....	1170
De Hut, E. E.:		Draut, E. F.:	
cream.....	392	butter.....	386
Delicious Pecan Co.:		Dreher Pickle Co.:	
pecan pieces.....	1177	tomato catsup.....	613, 881
Delight Sweets, Inc.:		puree.....	1154
candy.....	500, 1388, 1389	Drew Corporation:	
Deligiannis Bros., Inc.:		lemon extract.....	696
olive oil.....	680	Messina Effervescente Granulare.....	153
Del Ray Packing Co.:		Dryden, Carol, & Co.:	
raisins.....	1166	oysters.....	234, 582
Delta County Canning Co.:		Dubon Co.:	
tomato products.....	890, 1147, 1148	peanut butter.....	309, 674
Demartini, L.:		Duche, T. M., & Sons, Inc.:	
walnuts, black.....	468	walnut halves.....	467
De Martini Macaroni Co., Inc.:		Duer, M., & Co., Inc.:	
macaroni.....	1220	potatoes.....	600
De Rosa, M., Inc.:		Dulaney, John H., & Son:	
tomato paste.....	438	blueberries.....	818
Dcs Moines Cooperative Dairy:		Dunlop Milling Co.:	
butter.....	38	flour.....	15
De Soto Creamery & Produce Co.:		Dustin, Edna:	
eggs, frozen.....	1104	cream.....	1259
Dewey Bros. Co.:		Dwinell-Wright Co.:	
corn meal.....	1011, 1218	tea.....	152
De Witt Grocery Co.:		Eagle Flour Mills:	
maple sirup.....	949	flour.....	961
Dick, James A., Co.:		Eagle Milling Co.:	
corn meal.....	358	flour.....	962
Dickinson, S. H.:		Eagle Roller Mill Co., Inc.:	
apples.....	260	corn meal.....	357
Dick's Poultry Co.:		Early & Daniel Co.:	
poultry.....	129	corn meal.....	1012
Di Giorgio Allegretto Co.:		East End Fish & Oyster Co.:	
candy.....	1499	crab meat.....	1107, 1108
Dillon Candy Co.:		Eastern Candy Co.:	
candy.....	928, 1498	candy.....	943
peanut butter.....	310, 675, 1185, 1186	Eastern Shore Canning Co.:	
Dillon, Paul R., Co., Inc.:		peas, canned.....	1137
butter.....	754	Edgerton Creamery:	
Dixie Portland Flour Co.:		butter.....	1080
flour.....	163	Edwards, W. C.:	
Dixie-Portland Flour Mills:		apples.....	96
flour.....	1206		

	N. J. No.		N. J. No.
Eelbeck Milling Co.:		Falfurrias Creamery Co.:	
corn meal.....	28, 1013	butter.....	50
Ehrat Cheese Co.:		Famales, Gust:	
cheese, grated.....	391	apples.....	406
Eitel, Charles:		Farm Union Cooperative Creamery:	
cream.....	1258	butter.....	539
Ellendale Creamery Association:		Farmers Cooperative Creamery:	
butter.....	749	butter.....	553, 752-755, 1437
Ellis, Wm. J., & Co., Inc.:		Farmers Cooperative Creamery Assoc.:	
apples.....	401	butter.....	389, 756, 1054, 1067, 1241
El Mar Packing Co.:		Farmers Cooperative Creamery Co.:	
raisins.....	662, 1326	butter.....	198, 1420
El Reno Poultry & Egg Co.:		Farmers Creamery:	
butter.....	750	butter.....	562, 752
Ely, Walter, Co.:		Farmers Creamery Co.:	
butter.....	537, 543, 564	butter.....	49
Emery, George:		Farmers Milling Co., Inc.:	
blueberries.....	826	corn meal.....	26, 1016
Emm-An-Cec Co.:		Farmers Mutual Cooperative Creamery:	
spaghetti and macaroni dinners.....	1410	butter.....	757
Emma Creamery Co.:		Farmers Produce Co.:	
butter.....	1436	peanuts.....	668, 669
Empire Freight Co.:		Farmers Supply Co.:	
grape punch base.....	1203	cream.....	59, 1259
Empire Spice Mills Manufacturing Co.:		Farmers Union Cooperative Creamery:	
vanilla flavor.....	1396	butter.....	31, 758, 759, 1068, 1421
Encinal Terminals:		Farmers Union Cooperative Produce Assoc.:	
tomato paste.....	892	butter.....	540
Engle, Alice:		Farmers Union Creamery Co.:	
cream.....	568	butter.....	382
Enid Cooperative Creamery Association:		Farrell, F. J.:	
butter.....	380	cream.....	568
Equity Union Creameries, Inc.:		Fatula Bros.:	
butter.....	751	blueberries.....	827
Erickson, H. L.:		Fatula, J.:	
cream.....	568	blueberries.....	113
Eshelman, John W., & Sons:		Fauquier Creamery Co.:	
corn meal.....	1014, 1406	butter.....	32
Essex Warehouse Co.:		Fear, G. L.:	
peas, canned.....	418	cream.....	1258
Estes, Raymond:		Federated Foods, Inc.:	
cream.....	1258	peas, canned.....	607
Estlow, Francis:		Felker, D. W.:	
blueberries.....	113	cream.....	60
Ethel Candy & Sales Co.:		Fenwick, James:	
candy.....	1362	raisins.....	288
Euclid Candy Co.:		Ferlita Macaroni Co., Inc.:	
candy.....	311, 488, 930	macaroni products.....	192
Eureka Creamery:		Festa, Joe. <i>See</i> Festa, Joseph.	
butter.....	1066	Festa, Joseph:	
Evans Milling Co.:		blueberries.....	113, 828
corn flour.....	25	Fettig Canning Corporation:	
meal.....	25	tomato catsup.....	1467
grits.....	25	Fiella & Eppler, Inc.:	
Evans Mills, Inc.:		candied fruit.....	321
corn meal.....	1015	Fickenscher, Paul:	
Fagan, A. A.:		cream.....	568
shrimp, frozen.....	588	Fike, Mrs. J. W.:	
Fain, Carl:		cream.....	1259
apples.....	812	Fine Foods, Inc.:	
Fairfax Milling Co.:		cherries, canned.....	414
flour.....	162	dates.....	1161
Fairmont Creamery Co.:		peas, canned.....	278, 1136, 1302
butter.....	718, 1413	tomato products.....	614, 618, 622, 648, 649, 651
cream.....	59, 1259	First National Stores, Inc.:	
poultry.....	457, 911	butter.....	755, 1078
		spaghetti.....	368, 1041

	N. J. No.		N. J. No.
Fischer, B., & Co., Inc.:		Frazier Paeking Corporation:	
cream of tartar	1200	tomato catsup	281, 613, 881, 1471
spices	1200	Fraeh, M.:	
tea	1200	blueberries	829
Fisher Flouring Mills Co.:		Frederick City Packing Co.:	
flour	963	peas, canned	419, 606, 878, 1299
Fisher, J. T.:		Freeland & Farhatt:	
cream	569	cream	59
Fisher, J. T., & Son:		Fremont Dairymen's Cooperative Marketing	
cream	1259	Assoe.:	
Fisher, John, Pecan Co.:		cream	570
pecan pieces	1178	French-Bauer, Inc.:	
Flandreau Cooperative Creamery:		butter	719
butter	1069	French Sardine Co., Inc.:	
Fleming, J. R., & Co.:		bonita, canned	575
pecan pieces	1179	Friday Canning Corporation:	
Fletcher, C. D., Co.:		peas, canned	1134, 1135
apples	410	Friedman, Miles, Inc.:	
Flittie Creamery:		butter	1088, 1242
butter	372, 1422	Frosted Foods Sales Corporation:	
Flittie, G. E.:		haddock, frozen	1452
butter	1422	FruZert Co.:	
Flotill Products, Inc.:		FruZert	1335
tomatoes and tomato products	283, 438, 631-633, 639-641	Fuhremann Canning Co.:	
Foley Creamery Co.:		peas, canned	1301
butter	48	Fuller, H. H.:	
Fontana Food Products Co.:		apples	252
macaroni	523	Fuller, Rodney & Co.:	
Food Products Co. of America:		butter	1242
cherries, canned	1294	Fun, B. M.:	
tomato catsup	617	cream	59
sauce	900	Furr Food Stores, Inc.:	
Ford, R. S.:		eggs	1101
huckleberries	872	Furr, M. E.:	
Foremost Sales Co., Inc.:		cream	1259
butter	551	Gackle Creamery:	
Fortgang Bros.:		butter	42
butter	530, 737, 1050, 1247	Gales Chocolate Co.:	
Fort Madison Creamery:		candy	937
butter	1070, 1256	Galva Creamery Co.:	
Fortschneider, Steve:		butter	376, 1423
apples	86	Garwood, Ernest:	
Fort Worth Poultry & Egg Co.:		cream	1258
butter	1085	Geary, Eldridge:	
Fortune Transfer Co.:		cream	1259
butter flavor	1392	Gemac Laboratories:	
Forty Fathom Fish, Inc.:		vanilla flavor	698
haddock, frozen	68	General Foods Corporation:	
perch, frozen	215, 217	corn meal	1017
whiting, frozen	1454	General Foods Sales Co., Inc.:	
Foster & Wood Canning Co.:		Brazil nuts	299, 472
tomato sauce	650, 901	General Grocery Co.:	
Foulds Milling Co.:		tomato sauce	433
noodles	362	General Mills, Inc.:	
Fournier, R., & Sons:		flour	10, 12, 22, 168, 169, 180, 349, 515, 998, 999
crab meat	1109	rye flour	1215
Fox, J. S., Candy Co.:		meal	346
candy	1363	wheat gray shorts and screenings	711
Fox, Peter, Sons Co.:		General Sales Co.:	
butter	747, 750, 797, 1081, 1084, 1257, 1437, 1438, 1440, 1441, 1445	FruZert	1335
eggs, frozen	574, 1260	General Seafoods Corporation:	
Frank Tea & Spice Distributing Co.:		haddock, frozen	68
vanilla flavor	1397	perch, frozen	215, 217
		whiting, frozen	1454
		Genery Stevens Co.:	
		butter	741

Geneva Preserving Co.:	N. J. No.	Goodspeed, L. B., Inc.:	N. J. No.
sauerkraut, canned.....	609	haddock, frozen.....	1119
Geneva Village Creamery Association:		Gorton-Pew Fisheries Co., Ltd.:	
butter.....	749	fish fillets, frozen.....	69, 218, 804
Genoa Fisheries, Inc.:		Goyert & Vogel Co.:	
cod fillets.....	1118	butter.....	379, 386, 786
pollack, frozen.....	584	Gracssle & Flaherty:	
Gerber, R., & Co.:		walnut halves.....	467
olive oil.....	487, 681, 1189	Grand Meadow Creamery Co.:	
Gianforte, Charles:		butter.....	1438
cabbage.....	267	Grandma Cookie Co.:	
Gibson, James, Jr.:		eoconut bars.....	521
cream.....	1258	Granger Farmers Cooperative Creamery:	
Gilbert, J. A.:		butter.....	33
cabbage.....	271	Grass, I. J., Noodle Co.:	
Gile, H. S., & Co.:		noodle soup mixture.....	1046
prune juice.....	502	Gray Gull Fisheries Co.:	
Gilliam Candy Co.:		sandwich spread.....	1286
candy.....	1364, 1497	Gray, M. E.:	
Gilliland, H. C.:		currants.....	107
cream.....	568	Great Atlantic & Pacific Tea Co.:	
Glacier Bay Oyster Co.:		butter.....	384,
oysters, frozen.....	583	746, 764, 780, 781, 783, 794, 1064, 1072, 1076,	
Glacier Dairy:		1248, 1415, 1429	
eggs and egg products.....	1265	fish fillets, frozen.....	70, 396
Glen Ullin Creamery:		tomato juice.....	503
butter.....	34, 760	Greenspan Bros.:	
Glenwood Sanitary Dairy:		peas, canned.....	878
butter.....	1078	Greer, Autry, & Sons:	
Globe Grain & Milling Co.:		butter.....	1254
corn meal.....	187, 355	Gregory-Robinson-Speas, Inc.:	
flour.....	183, 185, 187, 345, 355	vinegar.....	1337
Globe Mills:		Griffin, B. A., Co., Inc.:	
flour.....	964	herring fillets, salt.....	219, 220
Globe Wholesale, Inc.:		Griffin, Wildwood:	
butter.....	1412	cream.....	1258
Glosser Bros.:		Griffiths, J. S., Co.:	
butter.....	1412	butter.....	534
Gloucester Fish Pier Fillet Co., Inc.:		Griggs, Cooper & Co.:	
perch, frozen.....	72, 216	apples, evaporated.....	1315
pollack, frozen.....	1277	Griggs County Creamery Co.:	
Gloucester Fresh Fish Co.:		butter.....	762
codfish, frozen.....	1449	Grillo, Joe:	
haddock fillets.....	396	olive oil.....	682
Gloucester Seafoods Corporation:		Grodgen & Hazel:	
fish, frozen.....	1120, 1121, 1279, 1455	apples.....	92
Godfrey, Mrs. U. W. G.:		Grosberg-Golub Co., Inc.:	
blueberries or huckleberries.....	119	tuna.....	1457
Gold Medal Dairies:		Gross Bros.:	
eggs, frozen.....	800	flour.....	167, 176
Goldeamp Mill Co.:		Gross Bros. Flour Co., Inc.:	
corn meal.....	1018	flour.....	167, 702
Golden Age Corporation:		Grossinger, S.:	
macaroni products.....	362, 364, 1229	blueberries.....	113
Golden Nugget Sweets, Ltd.:		Grove Hill Supply Co.:	
candy.....	312	huckleberries.....	118
Gollott, C. F.:		Guarantee Veterinary Co.:	
crab meat.....	1448	salt blocks.....	714
Gollott, C. F., Seafood Co.:		Gude Bros. Kieffer Co.:	
crab meat.....	65, 1448	butter.....	531, 542, 730, 1074, 1244, 1426
Gomez & Naranjo:		Guggenlime & Co.:	
frog legs, frozen.....	222	prunes.....	442
Gomperts, Jack, & Co.:		Gulick, J. J.:	
peaches, dried.....	1162	blueberries.....	830
Goodrich Creamery Co.:		Gwinn Milling Co.:	
butter.....	761	cake flour.....	350

H & H Poultry Co., Inc.:	N. J. No.	Heinzelman, H. R.:	N. J. No.
poultry.....	665	blueberries.....	831
Hahn, G. O.:		Helbig, A. W.:	
cream.....	1258	cream.....	1259
Haldeman, J. G., & Bro.:		Helen Packing Corporation:	
butter.....	789	tomato paste.....	282
Hall, A. L.:		Helferich, C. M.:	
cream.....	1258	butter.....	1050
Hall, R. M.:		Hellerick, Frank, Co., Inc.:	
candy.....	1496	butter.....	552, 733, 785, 1049, 1056, 1430, 1433
Hall, Walter T., & Co.:		Hemet Packing Co.:	
candy.....	1191	apricots, canned.....	875
Hallren, J. M.:		Hemingway, H. C., & Co.:	
poultry.....	912	cherries, canned.....	1459
Hallren Produce:		Henderson Produce Co.:	
poultry.....	912	eggs, frozen.....	1262
Hamilton & Co.:		poultry.....	1343, 1491
mackerel, canned.....	397, 398, 580	Henri Foods, Inc.:	
Hammerschmidt, L. E.:		spaghetti dinner.....	1226
cream.....	568	Henry & Close, Inc.:	
Hannover Creamery Association:		fish fillets, frozen.....	226, 802
butter.....	541	Herold-Gearon Co., Inc.:	
Hanover Star Milling Co.:		butter.....	796, 1432
flour.....	508	Herold, Jos. J., Co.:	
Hansen, Marvin:		butter.....	530, 1050
cream.....	60	Heron Lake Cooperative Creamery:	
Harbor City Canning Co.:		butter.....	763
tomato paste.....	636	Hershel California Fruit Products Co.:	
Harcourt, Greene Co.:		tomato paste.....	1482
hot sauce.....	434	Hertzka, E. S.:	
tomato catsup.....	620, 641, 1470	apples.....	246
Harding Cream Co.:		Hesseltine, May:	
butter.....	1071	cream.....	60
Hardy, J. R., Jr.:		Heyd, C. G., & Co.:	
shrimp, frozen.....	588	butter.....	735, 736, 772, 1246
Harp, O.G., Poultry & Egg Co.:		Higginsville Flour Mill:	
butter.....	371, 1441	flour.....	163
poultry.....	456, 916	Highland Farms Dairy:	
Harrington, B. E., & Son:		orange juice.....	1205
herring roc, canned.....	77	Hill, W. A.:	
Harris-Woodson Co.:		blueberries.....	113
candy.....	493	Hillman Creamery:	
Harrisonburg Grocery Co., Inc.:		butter.....	542
peas, canned.....	1463	Hillman-Hyle Cookie Co.:	
Harrow-Taylor Butter Co.:		cookies.....	1232
butter.....	1243	Hillsboro-Queen Ann Cooperative Corpora- tion:	
Hartmann Canning Co., Inc.:		peas, canned.....	1138
tomato paste.....	1483	Hines, R. D.:	
Harvester, Robert:		packing-stock butter.....	1094
apples.....	262	Hinkle, D. C.:	
Hauf, R. C.:		cream.....	1259
cream.....	1258	Hitchcock Pecan Co.:	
Hawhee, Arnond [Arnold]:		nuts, chopped.....	476
apples.....	245	Hitchings, E. A., & Co.:	
Hawkins, A. B.:		crab meat.....	66, 801
blueberries.....	112	Hitchings, E. P.:	
Hayden Flour Mills, Inc.:		crab meat.....	801
flour.....	965	Hitchings, V. D.:	
Hays City Flour Mills:		crab meat.....	801
flour.....	335	Hoefler's Centennial Chocolates:	
Heard, L. L.:		candy.....	685
cream.....	568	Hoerman Packing Co.:	
Hecker, Harold:		poultry.....	450, 1340
cream.....	392	Hoff, H. A., Jr.:	
Heidelberger Confectionery Co.:		cream.....	1258
candy.....	1365		

	N. J. No.		N. J. No.
Hoff, P. A.:		Independent Grocers' Alliance Distributing	
cream.....	60	Co. <i>See</i> Independent Grocers Alliance	
Hoffman, John, & Sons Co.:		Distributors, Inc.	
olive oil.....	1189	Independent Grocers Alliance Distributors,	
Hogue, F. H.:		Inc.:	
apples.....	94	macaroni.....	706
Hollander, Inc.:		tomato products.....	435, 617, 889, 1480
candy.....	948	Independent Shrimp Co.:	
Hollister Canning Co.:		shrimp, frozen.....	593
tomato paste.....	1486	Indiana Flour Co., Inc.:	
Holloway Canning Co.:		flour, self-rising.....	179
tomatoes, canned.....	1305	Insley & Mitchell:	
Holloway, J. W.:		swcetpotatoes, canned.....	879
tomatoes, canned.....	1305	Interior Grocery Co.:	
Hollywood Candy Co.:		tomato catsup.....	885
candy.....	141, 491, 1358	International Milling Co.:	
Holsinger, B. H.:		flour.....	8, 160, 1207
pcas, canned.....	1142	Interstate Milling Co.:	
Holtz, H. J.:		corn meal.....	188, 1019
apples.....	100	Iowa Canning Co.:	
Hopkinsville Milling Co., Inc.:		pumpkin, canned.....	422
flour.....	343, 966	Iowa County Cooperative Dairy:	
Horowitz Bros. & Margaretten:		butter.....	36
noodle soup mix.....	1231	Iowa Poultry Producers Marketing Assoc.:	
noodles.....	1231	poultry.....	1344
potato pancake mix.....	1231	Iowa Produce Co.:	
Horton of Boston, Inc.:		geesc, frozen.....	130
candy.....	937	poultry.....	296
Hot Springs Creamery:		Isaly Dairy Co.:	
butter.....	543	butter.....	388
Housley, Doyal:		Isaly's Creamery Products, Inc.:	
apples.....	813	butter.....	46, 388, 731
Houston Milling Co.:		Ismert-Hincke Milling Co.:	
flour.....	4, 340, 967	flour.....	344, 968
Hou-Tex Peanut Co.:		Israeloff, Hyman:	
peanuts.....	1181	apples.....	410
Howard Terminal:		Italian Cheesc Co., Inc.:	
tomatoes and tomato products.....	439, 619, 624, 630, 640, 1309	cheesc, grated.....	56
Hubbard, Lewis, & Co.:		Italian Macaroni Co.:	
corn meal.....	1014	noodles.....	1044
Hudock, Anna:		Jack's Cookie Co.:	
blueberries.....	832	candy.....	939
Hudson Co-Operative Dairy Assoc.:		Jackson, W. M.:	
butter.....	1072	gelatin dessert powder.....	150
Hudson-Duncan & Co.:		Jacobsen, L. J.:	
walnut meats.....	672	butter.....	732
Hudson Tea & Spice Co., Inc.:		Jacobsen, Lorenzo:	
celery seed.....	149	cream.....	570
mustard seed.....	324	Jefferson Creamery:	
Hulburt's Fruit Products, Inc.:		butter.....	51
lemon juice.....	701	Jefferson Creamery, Inc.:	
Hunter, Walton & Co.:		butter.....	1416
butter.....	377, 540, 562, 563, 761, 765, 773, 788, 799	Jerome, J. D.:	
Hurff, E. F., Co.:		blueberries.....	833
dog and cat food.....	131	Jerpe Commission Co., Inc.:	
Hygrade Bakery:		eggs, frozen.....	1105
pretzel sticks.....	30	Jerpe Dairy Products Corporation:	
Igleheart Bros., Inc.:		butter.....	200, 1424
flour.....	21	Joannes Bros. Co.:	
Illinois Cereal Mills, Inc.:		olive oil.....	681
corn meal.....	191	Johnson-Fluker Co.:	
Imperial Fish Co.:		candy.....	931
crab meat.....	1270	Johnson, Hansie:	
Independent Fish Co.:		cream.....	1258
buffalo fish.....	577	Johnson, Kyle:	
		cream.....	568

Johnson & Olson:	N. J. No.	Kingan & Co.:	N. J. No.
herring, salt.....	228	butter.....	55, 209, 1087
Johnston, J. D., Jr., Co.:		King's Candy Co.:	
peanut butter.....	132, 485, 918, 1182	candy.....	939
Jones, G.:		Kirk, Bert, Jr.:	
blueberries or huckleberries.....	119	prunes.....	1320
Jones, J. C.:		Kirkman, Ivan:	
blueberries.....	111	cream.....	60
Jonesboro Rice Mills Co.:		Kitt, Kenneth:	
rice bran.....	525	cream.....	60
Jugler, F. A.:		K & K Evaporated Apple Packing Corporation:	
tomatoes, canned.....	279, 437	apple rings, dried.....	441
Juliette Milling Co.:		Klass, Louis:	
corn meal.....	29, 1020	eggs, shell.....	1446
Kalispell Flour Mills Co.:		Klass Produce Co.:	
flour, self-rising.....	180	eggs, shell.....	1102, 1446
Kander, H. S.:		Klock Produce Co.:	
poultry.....	1338	butter.....	556, 1439
Kancski, J. A.:		Klossner Creamery Co.:	
blueberries.....	113	butter.....	764
Karsten & Sons:		Knapp Creamery:	
butter.....	774	butter.....	765
Kaseo Mills, Inc.:		Knox Pickle & Preserving Works:	
corn meal.....	1021	tomato puree.....	1476
Kauffman, Jacob:		Knoxville City Mills:	
fruit, dried mixed.....	291, 1163	flour.....	333
prunes.....	291, 1163	Koenig Coffee Co. <i>See</i> Koenig, J. Henry, Co.	
Kaysville Canning Corporation:		Koenig, J. Henry, Co.:	
tomato puree.....	431, 898, 1156, 1311	coffee.....	504
Keiter, T. C.:		Koligian Bros.:	
cream.....	1259	raisins.....	443
Kell, H. V., Co.:		Kootenai Valley Creamery:	
tea.....	952	butter.....	545
Keller, E. J.:		Kopper Kettle Preserving Co.:	
cream.....	58	preserves.....	1334
Kelley Butter Co.:		Korleski, Frank:	
butter.....	554	cauliflower.....	106, 273
Kelley-Clarke Co.:		Kostick Bros.:	
salmon, canned.....	585	blueberries.....	113, 834, 859
Kelley, R. O., Cannery:		Kraasch, L.:	
field peas with snaps, canned.....	420	crab meat, frozen.....	213
Kemp Fish Co.:		Kramer, J. R., Inc.:	
bluefins.....	394	butter.....	530, 549,
Kentucky Macaroni Co., Inc.:		557, 744, 762, 777, 792, 1050, 1237, 1428, 1431	
noodles.....	361	Krank, A. J., Inc.:	
Kereheval, L. S.:		vanilla flavor.....	698
cream.....	1259	Krasne Bros.:	
Kern Food Products, Inc.:		apple butter.....	655
apple butter.....	656	Krause, Chas. A., Milling Co.:	
Kerr Conserving Co.:		corn flakes.....	520
vinegar.....	1488	Kress, S. H., & Co.:	
Keyser, James:		candy.....	1361
huckleberries.....	118	Kroger Grocery & Baking Co.:	
Keystone Cooperative Grape Association, Inc.:		butter.....	769
cherries, canned.....	415	Kruger Dairy Products Co.:	
Keystone Fisheries, Ltd.:		butter.....	766
tullibeas.....	232	Krum, S. S., & Co.:	
Kier, Perry:		crab meat.....	1271
butter.....	544, 1055	Kruse, John:	
Kilkenny Co-Operative Creamery Assoc.:		cream.....	568
butter.....	1073	Kuhn, L. J.:	
Kimball Creamery:		cream.....	1258
butter.....	562, 563, 1425	Kukenbaker, Gus:	
King Foods Co.:		blueberries.....	113
peas, canned.....	1463	Kump, G. A.:	
		cream.....	568

	N. J. No.		N. J. No.
Kundrack, M.:		Lee, H. D., Mercantile Co.:	
blueberries.....	835, 1458	tomato puree.....	899, 1472
Kurrasch, H. G.:		Leek, Harvey:	
butter.....	387, 1237	blueberries or huckleberries.....	119
Kurt Bros.:		Leeman, Stephen, Products Corporation:	
blueberries.....	116, 836	tea.....	505
Kurtz Bros. Corporation:		Leger Mill Co.:	
spaghetti dinner.....	1227	flour.....	16, 509
La Buda, Paul:		Leggett, Francis H., & Co.:	
blueberries.....	837	tomato paste.....	636
La Choy Food Products, Inc.:		Lehman, Herman:	
corn meal mush.....	1219	cream.....	1258
Lahti, A.:		Leich, Charles, & Co.:	
apples.....	1288	whisky.....	331
Lake Erie Canning Co.:		Leonard, E. R.:	
tomato catsup.....	612	apples.....	1130
Lakeside Dairy:		Lerned, W. H., & Sons:	
butter.....	546	butter.....	782, 1079
Lamb, Carl:		Leskin, J. J.:	
rabbits.....	463	blueberries.....	838
Land O'Hills Creamery:		Le Sueur Creamery Co.:	
butter.....	565	butter.....	768
Land O'Hills Creamery Co.:		Levaty, M.:	
butter.....	716	blueberries or huckleberries.....	119
Landsberger Creamery & Produce Co.:		Leventis, P. P., & Co., Inc.:	
butter.....	1074, 1244, 1426	apples.....	83
Landsberger, J. E.:		Levering Coffee Co.:	
butter.....	1426	tea.....	1201
Landy, D. B., Co., Inc.:		Levy, A.:	
flour.....	161	pine nuts.....	474
Lang, C. H.:		Levy, M. M.:	
horse meat.....	663	walnut meats.....	303
Langdon, H. J.:		Lewis Bear Co., Inc.:	
cream.....	568	spaghetti.....	1224
Langenfeld Dairy Products Co.:		Lewis-Mears Co.:	
butter.....	767	butter.....	749
Langford, G. H.:		Lewisville Farmers Creamery Assoc.:	
apples.....	404	butter.....	1076
Lanza, Vincent:		Lexington Mill & Elevator Co.:	
blueberries.....	115	corn flour.....	360
La Platte Sales Co.:		Lexington Roller Mills Co., Inc.:	
hominy, canned.....	608	flour.....	336
Larabee Flour Mills Co.:		Libby, McNeill & Libby:	
flour.....	164, 969	pineapple, canned.....	1462
Larman & Schwartz:		prunes.....	1164
apples.....	102	Liberty Candy Co.:	
La Salle Manufacturing Co.:		candy.....	1366
vanilla flavor.....	699	Liberty Chocolate Co.:	
Latah Creamery:		candy.....	136
butter.....	564	Liberty Flour Co.:	
Laudenslager, J. K., Inc.:		flour.....	11
meat loaf binder.....	325	Light Grain & Milling Co.:	
Laurence, Eddie:		corn meal.....	358
cream.....	60	Lillie & Rasbach, Inc.:	
Laurenzo, Peter:		Cheese Korn Kurls.....	1233
apples.....	408	Limbeck, Clair:	
Laurilla, Arthur:		geese, frozen.....	130
blueberries.....	113	Lindgren, N. M.:	
Lawrenceburg Roller Mills Co.:		butter.....	526
flour.....	19, 334	Lineboro Canning Co.:	
Lawson, B. F.:		peas, canned.....	1139
cabbage.....	270	Linton Creamery Co.:	
Lawson, H.:		butter.....	40, 205
maple sirup.....	147	Lion Packing Co.:	
Lawtons Canning Co., Inc.:		raisins.....	1327
tomato paste.....	1484		

Liquor Dealers Supply Co.:	N. J. No.	Mahoney, D. E.:	N. J. No.
whisky.....	329	blueberries.....	840
Litchfield Produce Co.:		Main Fish Co., Ltd.:	
eggs, frozen.....	211	whitefish.....	1129
Lockport Canning Co.:		Majestic Flour Mills:	
cherries, canned.....	1459	flour.....	9, 170, 970
Lodenberg Produce:		Majestic Paste Co.:	
rabbits.....	465	Chinese noodles.....	1045
Loggie, A. & R., Co., Ltd.:		Manannah Creamery:	
blueberries, canned.....	121	butter.....	772, 1246
Lombardo, John:		Manchester Corn Mill:	
blueberries.....	839	corn meal.....	1022
Longino & Collins:		Mangus, C. B. & S. D.:	
butter, whipt.....	567	huckleberries.....	873
Lorsbach, George:		Mantia & Sons:	
apples.....	88	perch, frozen.....	1122
Los Angeles Importing Co.:		Maple Lake Creamery:	
olive oil.....	682	butter.....	202
Loudon Packing Co.:		Marcelle Candies, Inc.:	
tomato puree.....	1477	candy.....	1367
Loudonville Milling Co.:		Marchiony, I., Inc.:	
flour.....	1401	candy.....	137
Louisiana Blue Crab Distributors, Inc.:		Marine, H. M.:	
crab meat.....	1267, 1268	blueberries or huckleberries.....	119
Louisiana State Rice Milling Co., Inc.:		Marine, Harry:	
rice.....	195	blueberries or huckleberries.....	119
Lowe, Joe, Corporation:		Marion Cooperative Creamery:	
eggs, frozen.....	61	butter.....	773
Lowenfels, F. F., & Son:		Marion Poultry Co.:	
butter.....	756, 758, 759, 798, 1061	poultry.....	1339
Lucatelli Packing Co.:		Marr, H. A., Grocery Co.:	
tomato paste.....	1484	tomato catsup.....	613, 881
Lucks, Oscar, Co.:		Marshall Produce Co.:	
nut topping.....	673	poultry.....	915
Luden's, Inc.:		Marshfield Milling Co.:	
candy.....	143	corn meal.....	1023
Lum Packing Co., Inc.:		Martin Candy Co.:	
applesauce.....	126	candy.....	1359
Lurch Nut Products, Inc.:		Martin, Ed, Sea Food Co., Inc.:	
nut spread.....	1188	crab meat.....	63
Lusco Food Co.:		Martin, George, Seafood Co.:	
preserves.....	907	crab meat.....	1111, 1269
Lush'us Brand Distributors, Inc.:		Martinez, Elvira:	
cherries, canned.....	1459	scallops.....	1284
Lutz & Schramm, Inc.:		Marvel Candy & Novelty Co.:	
preserves.....	907	candy.....	945
Luverne Cooperative Creamery:		Marvel Novelty Co., Inc.:	
butter.....	1245	candy.....	322, 944, 1390
Lykens Co-operative Creamery:		Marwyn Dairy Products Corporation:	
butter.....	769	butter.....	547, 1423
Lyndonville Creamery Association:		Maryland Grocery Co.:	
butter.....	770	spaghctti.....	194, 524
Lyon County Creamery:		Mascari, Joe:	
butter.....	771	apples.....	249
Lystila, Alex:		Mason, Ehrman & Co.:	
apples.....	241	raisins.....	1166
M & C Berry Packers:		tomato products.....	627, 646, 889
blueberries.....	825, 842	Matlock Brokerage Co.:	
Macy, R. H., & Co.:		tomato puree.....	430
mushrooms, grilled.....	1296	Matsko, John, Jr.:	
Maggioni, L. P., & Co.:		blueberries.....	841
crab meat.....	1110	Matthews, E. J.:	
Magidow, Hyman:		blueberries.....	842
apples.....	258	Mauroni, Charles:	
Maglio, Leo:		blueberries or huckleberries.....	119
apples.....	253		

May, David:	N. J. No.	Metro Chocolate Co., Inc.:	N. J. No.
apples.....	87	candy.....	319, 1500
Mayfair Packing Co.:		Metzendorf Bros., Inc.:	
prunes.....	1323	flour.....	981
Mayflower Mills:		Meyer & Lange:	
flour.....	971	mushrooms, grilled.....	1297
McAfee Candy Co.:		Miami Butterine Co.:	
candy.....	940, 1368, 1382	oleomargarine.....	1355, 1356
McAllen Canning Co.:		Michigan Fruit Cannery, Inc.:	
grapefruit juice.....	501	tomato puree.....	645
McAloose, A., & Sons:		Michigan Produce Co.:	
blueberries.....	843	apples.....	263
McCabe, Lowell:		Mick, M. M.:	
cream.....	570	huckleberries.....	1132
McClintock Stern Co., Inc.:		Middendorf & Rohrs:	
celery seed.....	950	tomato sauce.....	641
mustard seed.....	950	Middle-West Bag & Paper Co.:	
McClintock-Trunkey Co.:		vanilla flavor.....	1396
vanilla extract.....	1199	Midwest Dairy Dispatch:	
McCoy Canned Food Co.:		butter.....	765, 1078
peas, canned.....	1140	Midwest Food Packers, Inc.:	
McCoy, D. O.:		tomato catsup.....	1468
cream.....	59	Midwest Laboratories of Chicago, Ill.:	
McDonald, J. A.:		vanilla extract.....	1398
cream.....	1258	Midwest Macaroni Co.:	
McDonnell, J. J., & Co.:		macaroni products.....	1039
crab meat.....	1109	Mid-West Mushroom Co.:	
McFarlin, Mrs. Jim:		mushrooms, canned.....	122
cream.....	1258	Midwest Produce Co.:	
McGinnis, Mrs. K. W.:		apples.....	258
cream.....	1259	Milk Producers Association of Central California:	
McGoldrick's Produce:		butter.....	776
rabbits.....	464	Millbrook Products Co.:	
McGowan, V. C.:		macaroni.....	368
apples.....	409	Miller, B. M.:	
McGurl, Mike:		packing-stock butter.....	1094
blueberries.....	844	Miller, Clarence:	
McKay, Howard:		huckleberries.....	873
cream.....	568	Miller, F. H.:	
McKelvey, Joe:		apples.....	242
cabbage.....	264	Miller & Holmes, Inc.:	
McKenna, James:		butter.....	777, 1428
cream.....	570	Miller, S. A.:	
McLean, A., & Son:		cream.....	569
candy.....	1378	Mills, Charles:	
Medora Roller Mills:		peas, canned.....	1142
corn meal.....	1008	Mills, James, Orchards Corporation:	
Mellwood Dairy, Inc.:		olives.....	275
butter.....	1238	Mills Napper Candy Co.:	
Melster Candies, Inc.:		candy.....	942
milk chocolate.....	489	Millsboro Poultry Co., Inc.:	
Melster Candy Co.:		poultry.....	664
milk chocolate.....	489	Minden Butter Co.:	
Merchants Creamery Co.:		butter.....	1096
butter.....	720, 1090	Minervini, John:	
Mercurio Bros. Spaghetti Manufacturing Co.:		tomato paste.....	636
macaroni products.....	1223	Minor, D. D.:	
Meriden Creamery Co.:		blueberries.....	845
butter.....	548, 1077, 1427	Minot Flour Mill Co., Inc.:	
Meridian Grain & Elevator Co.:		flour.....	972
corn meal.....	1024, 1025	Miraldo, Dominic:	
Mero Mills:		blueberries.....	846, 847
self-rising flour.....	354	Mission Valley Dairymen's Assoc.:	
Merrick Dairy Co.:		butter.....	1439
butter.....	774	Mississippi Peanut Co.:	
Merrill Creamery:		peanut butter.....	135
butter.....	775		

	N. J. No.		N. J. No.
Mitchell Canneries, Inc.:		Mountain Valley Produce:	
tomatoes, canned	1145	eggs	571
Mitsui Bussan Kaisha, Ltd.:		Mounts, C. E.:	
crab meat	1271	flour	173
Molina, A.:		Mowry Creamery Co.:	
blueberries	848	butter	1051
Mollohan, Josie:		Mueller, C. F., Co.:	
cream	1259	macaroni	1037
Montana Flour Mills Co.:		Murphy Butter & Egg Co.:	
flour	973	butter	728
Monticello Dairy:		Mutual Spice Co., Inc.:	
butter	45, 526	vanilla extract	1399
Monticello Dairy Corporation:		Mutzbaugh, Rose:	
butter	32	cream	1258
Monticello Milling Co.:		Myers, H. C.:	
corn meal	516	pears	412
Monticello Pecan Co.:		Myers & Hicks Co.:	
pecan halves	1175	peanut butter	919
Mood, Lewis, Orchards:		Myers, Horace:	
apples	98	pears	412
Moore, C. C.:		Myrtle Point Creamery:	
cream	1258	butter	550
Moore, Tom, Distillery Co.:		Napoleon Creamery:	
whisky	330, 332, 507	butter	773
Mooreland Community Creamery:		Nappance Milling Co., Inc.:	
butter	1440	flour	1402
Moosalina Products Corporation:		Nashville Roller Mills:	
tomato paste	634, 639	flour	991
Morey Mercantile Co.:		National Candy Co.:	
tomato puree	431, 1156	candy	686
Morgan, Guy:		National Coast Products Corporation:	
cream	59	dog and cat food	131
Morgan Packing Co.:		National Fisheries, Ltd.:	
pumpkin, canned	423	bonita, canned	399
tomato puree and catsup	1473	National Food Products Co.:	
Morrell, John, & Co.:		macaroni products	367, 1224, 1409
bologna	128	National Grocery Co.:	
Morrison Milling Co.:		tomatoes, canned	436
flour	6	National Retailer-Owned Grocers, Inc.:	
Morrow, Sidney:		celery seed	950
apples	90	mustard seed	950
Morse, E. G.:		tomato products	611, 647, 901
poultry	454, 1489	Nelson, J. T.:	
Morse, Elmer:		cream	1258
currants	108	Neusel Food Products Co.:	
Morse, Fannie:		eggs, dried	212
blueberries	111	Newbauer & Schmale:	
Morten Milling Co.:		tomato catsup	610
flour	13, 173-175, 510, 1002	Newcastle Fish Co.:	
Moss, H. B.:		crab meat	1116
apples	814	New England Creamery:	
Most, Walter:		butter	1247
cream	1258	New England Dairies, Inc.:	
Mott Cooperative Creamery Co.:		butter	779
butter	549	New England Fillet Co.:	
Mott, Herman:		perch, frozen	1121
poultry	910	New Prague Produce:	
Mott, Mrs. J. R.:		chickens	449
poultry	910	New Richland Produce Co.:	
Mount Airy Canning Co.:		poultry	453
peas, canned	604, 1298	New South Flour Co.:	
Mountain City Mill Co.:		flour	988
flour	342	New Sweden Creamery Association:	
Mountain Valley Cooperative, Inc.:		butter	780
butter	1087	New Yorker Cheese Co.:	
Mountain Valley Creamery:		cheese, grated	57
butter	55, 209		

	N. J. No.		N. J. No.
Newmark, M. A., & Co.:		Olathe Creamery & Produce Co.:	
peas, canned.....	277	butter.....	1442
Newton Products Co.:		Old Grimes Canning Co.:	
peanut butter.....	482, 483	tomato catsup.....	1469
Noack, H. M., & Sons:		Old Reliable Peanut Co.:	
butter.....	781	peanut butter.....	134, 305, 308, 484, 923
Noble, Forland:		Oliver-Finnie Co.:	
apples.....	255	candy.....	933, 1371, 1496
Norfolk Packing Co.:		Olson, H. D.:	
hominy, canned.....	608	tomatoes and tomato products.....	428, 436, 437, 625, 643, 644, 1478
Norma Packing Co.:		Olson, H. D., & Sons:	
tomato paste.....	893	tomatoes, canned.....	279
Norman Packing Corporation:		One-Two-Three Co., Inc.:	
corn meal.....	1026	lemon flavor.....	1393
Norris, Inc.:		Ontario Milling Co., Inc.:	
candy.....	1369	flour.....	975
North American Creameries, Inc.:		Opler, E. & A., Inc.:	
butter.....	551	cocoa.....	327
North Atlantic Fish Co.:		Orange County Cannery, Inc.:	
perch, frozen.....	227	tomato catsup.....	887
North Danville Creamery Co.:		Oregon Sea Foods Co.:	
butter.....	782, 1079	crab meat, frozen.....	214
North Ogden Canning Co.:		Ossola, J., Co.:	
tomato catsup.....	616	tomato paste.....	636
North Pole Cold Storage Co.:		Otto, W. R., & Co.:	
butter, whipt.....	567	raspberries.....	1291
North Grocery Co.:		Outlet Sales Co.:	
prunes.....	442	applesauce.....	126
Northern Jobbing Co.:		oranges, canned.....	276
tomato catsup.....	613	sweetpotatoes, canned.....	123
Northrop Cooperative Creamery Co.:		Overland Candy Co.:	
butter.....	783, 1429	popcorn bars.....	316
Northrup, King & Co.:		Owens, T. H.:	
Sterling Premix.....	713	apples.....	597
Northwest Dairy Forwarding Co.:		Owens, W. F.:	
butter.....	784, 1248, 1421	crab meat.....	1113
Northwest Food Products, Inc.:		Ozio Fisheries, Inc.:	
beans and pork, canned.....	1295	crab meat.....	1112
Northwestern Candy Co.:		Pacetti Fish Co.:	
candy.....	932	shrimp, frozen.....	595
Northwestern Elevator & Mill Co.:		Pacific Coast Mills:	
flour.....	348, 992	flour.....	163
Norton, Willis, Co.:		Pacific Coast Nut House:	
flour.....	974	almonds.....	666
Nutt Bros.:		walnuts.....	466
cookies.....	370	Pacific Food Products Co.:	
Oak Park Cooperative Creamery:		apple butter.....	903
butter.....	1249	preserves.....	906, 1158, 1333
Oakdale Pretzel & Nut Co., Inc.:		strawberries, canned.....	603
sugar-coated peanuts.....	1197	Pacific Fruit & Produce Co.:	
O'Brien, R., & Co., Inc.:		cherries, canned.....	414
cod fillets.....	1272	dates.....	1161
Oceanic Sales Co.:		peas, canned.....	278, 1136, 1302
cherries, canned.....	1294	tomato products.....	618, 622, 649, 1307
Ocono Co.:		Pacific Northwest Canning Co.:	
tomato sauce.....	650, 1157	blackberries, canned.....	1293
O'Donnell-Usen Fisheries Corporation:		Pacific Nut Co.:	
fish, frozen.....	74	butter flavor.....	1392
Offenberger, George:		Pacific Pool Car Co.:	
blueberries or huckleberries.....	119	figs.....	294
O'Hara, F. J., & Sons, Inc.:		raisins.....	1166
fish, frozen.....	578, 805	tomato paste.....	638
Ohio Valley Candy Co.:		Pacific Premium Co.:	
candy.....	1370	Movi Pops.....	693
Oklahoma City Mills:		Pacific Raisin Co., Inc.:	
whole wheat flour.....	22	raisins.....	1328

	N. J. No.		N. J. No.
Packer Products Co.:		Phoenix Bros.:	
dog and cat food.....	1168	olives.....	274
Paist, F. N., Co.:		Phoenix Candy Co.:	
candy.....	1192	candy.....	320, 943
Palca Fruit Growers, Inc.:		Pickwick Creamery:	
oranges.....	413	butter.....	552, 785, 1056, 1430
Palmer Fruit Products, Inc.:		Pilley, Frank, & Sons, Inc.:	
jellies.....	657, 904	butter.....	771, 1088, 1242, 1250
Pan American Steamship Co.:		Pillsbury Flour Mills Co.:	
rice.....	1235	corn meal.....	1023, 1404
Panozzo, John:		flour.....	3,
apples.....	815	155-157, 183, 351, 511, 704, 996, 1212, 1214, 1404	
Paris Candy Co.:		Pine Eagle Dairymen's Cooperative Assoc.:	
candy.....	934	butter.....	553
Park, David, Co.:		Pinebluffs Creamery:	
butter.....	41	cream.....	60
Pastene & Co., Inc.:		Pine Grove Canning Co.:	
tomatoes, canned.....	438	yams, candied.....	1303
Patton Creamery Co.:		Pinehurst Peach Co.:	
butter.....	721	apples.....	82
Paulk's Products, Inc.:		Piner Fleet Fish Co.:	
peanut butter.....	1350	shrimp, frozen.....	591
Paulsen Creamery Co.:		Pioneer Vegetable Exchange, Inc.:	
butter.....	201	celery.....	599
Paulus Bros. Packing Co.:		Pipestone Produce Co.:	
prunes.....	1324	butter.....	1080
Pazuello, Jayme, & Cia.:		Plains Creamery, Inc.:	
Brazil nut pieces.....	300	butter.....	53
Pease-Moore Milling Co.:		Plains Dairy:	
flour.....	170	cream.....	1258
Peck & Goida:		Pleasant Grove Canning Co.:	
blueberries.....	849	peas, canned.....	277, 607
Pelican State Candy Co.:		tomato catsup.....	1310
candy.....	145, 935, 1372, 1375	puree.....	1155
Peloian Packing Co.:		Plumb, Carl:	
raisins.....	1329	cream.....	1258
Penick & Ford, Ltd., Inc.:		Plymouth Cereal Mills:	
molasses.....	694	corn meal.....	518
Pennex Products Co., Inc.:		Poage, R. C., Milling Co., Inc.:	
flavors.....	697	corn meal.....	1027
Perkins, Max:		Poehler, Theo., Mercantile Co.:	
apples.....	101	tomato catsup.....	613
Perry, C. E.:		Polk Bros.:	
apples.....	250	apples.....	99, 239
Perry Canning Co.:		Pollack, M. S.:	
tomato catsup.....	618, 622, 625, 1307	blueberries.....	850
puree.....	1154	Pollock, M. S.:	
Peta, Nina:		blueberries.....	847
blueberries or huckleberries.....	119	Pollock, W. W., Mill & Elevator Co.:	
Peters, Simon:		flour.....	976
potatoes.....	874	Poloncek, Joe:	
Peterson, H. L.:		cream.....	570
butter.....	1423	Pomona Products Co.:	
Pettera, Joe:		tomatoes, canned.....	1305
cream.....	1258	Pop Corn Growers & Distributors, Inc.:	
Peyrel, Wm.:		popcorn.....	1234
blueberries or huckleberries.....	119	Port of Stockton:	
Pfeffer Milling Co.:		tomatoes and tomato products.....	641, 1157
flour.....	171	Porterfield & Monroe:	
Philadelphia Macaroni Co.:		frog legs, frozen.....	76, 223
spaghetti.....	708	Portland Flour Mills Co.:	
Phillips Milling Co.:		flour.....	346, 347, 512, 998
rice flour.....	24	Potomac Valley Creamery:	
Phillips Produce Co.:		butter.....	54
apples.....	248	Potter McCune Co.:	
Phillips Sales Co., Inc.:		tomato catsup.....	615, 1306
celery soup.....	295		

	N. J. No.		N. J. No.
Prairie Produce Co., Inc.:		Radcliffe Soya Products:	
poultry.....	1345, 1492	soybean milk.....	1336
Pratt-Mallory Co.:		Rainer Packing Co.:	
peas, canned.....	605	peanut butter.....	677
Pravata Candy Co.:		Ralston Purina Co.:	
candy.....	1373	wheat cereal.....	27
Preston-Rider Packing Co.:		whole wheat flour.....	1403
tomato puree.....	1479	Ramos Bros.:	
Priest, C. M.:		shrimp, frozen.....	594
poultry.....	1490	Ramsdell Packing Co.:	
Priest, F. M., & Sons:		sardines, canned.....	806
poultry.....	1490	Randall, A. H., Mill Co.:	
Priest, L. M.:		flour.....	159
poultry.....	1490	Randolph, C. F.:	
Prince Dried Fruit Co.:		apples.....	401
fruit, glace.....	691	Randolph, Donald:	
Prince Macaroni Manufacturing Co.:		apples.....	401
macaroni products.....	368, 1041	Randolph Milling Co.:	
Pringle, R. D., & Co.:		flour.....	977
tomatoes, canned.....	279	Randolph Wholesale Grocery Co.:	
Prior, P. H., Co.:		cherries, canned.....	415
perch, frozen.....	75	Ranney-Davis Mercantile Co.:	
Proctor, Burton, Jr.:		spaghetti.....	1040
peas, canned.....	1298	Ransom, W. M.:	
Producers Cold Storage Co.:		blueberries.....	111
poultry.....	459, 913	Rapp, A. B.:	
rabbits.....	462	cream.....	60
Producers Creamery Co.:		Rasmussen Creamery Co.:	
butter.....	1414	butter.....	554
Producers Dairy Marketing Assoc., Inc.:		Ravarino-Freschi, Inc.:	
butter.....	1238	noodle soup mixture.....	1047
Producers Peanut Co., Inc.:		Recorg Supply Corporation:	
peanut butter.....	481, 919-921, 1351, 1352	tomato catsup.....	630, 1147
Producers Produce Co.:		Red Line Commercial Co., Inc.:	
poultry.....	460, 914	Brazil nuts.....	1169
Prospect Chocolate Co.:		Red Star Milling Co.:	
candy.....	929	flour.....	10, 981
Prudential Milling Co.:		Red & White Corporation:	
flour.....	168	macaroni products.....	1221
Pruitt, H. A.:		tomato catsup.....	1309
turkeys.....	1341	Red Wing Milling Co.:	
Pruitt Produce Co.:		flour.....	162
butter.....	1081, 1257	Reeves Parvin & Co.:	
turkeys.....	917, 1341	tomato juice.....	326
Puccinelli Packing Co.:		Reifer, M. J.:	
raisins.....	288	cream.....	1258
Pueblo Flour Mills:		Remington, T. H.:	
flour.....	20	cream.....	1258
Puget Sound Butter & Egg Co.:		Renwick Community Creamery:	
butter.....	545	butter.....	1251
Pullen, J. M.:		Republic Rice Mill, Inc.:	
cream.....	60	rice.....	369
Puluka, Mrs. A.:		Reuther's Sea Food Co., Inc.:	
blueberries.....	113	crab meat.....	67
Purex Products, Inc.:		Reynolds, Frank:	
lemon flavor.....	1394	blueberries or huckleberries.....	119
Puritan Dairy Products Co.:		Rhoddes, Hubert:	
butter.....	1443	cream.....	1258
Quaker Oats Co.:		Rice Bros. Packing Co.:	
corn meal.....	1405	shrimp, canned.....	588
flour.....	352	Richenback, G. W.:	
pancake.....	184, 514, 1000, 1213	cream.....	1259
noodles.....	193	Ridley, Chas.:	
Queen City Candy Co.:		apples.....	401
candy.....	1194, 1385	Riggenbach, W.:	
Quincy Candy Co.:		cream.....	1259
candy.....	941		

Riggin, W. E., & Co.:	N. J. No.	Rosenstock, S. H.:	N. J. No.
oysters.....	235	peas, canned.....	1299
Ripon Canning Co.:		Roslyn Creamery Co.:	
tomato paste.....	893	butter.....	787
Rising Sun Creamery Co.:		Ross, E. E.:	
butter.....	379, 386, 786	blueberries.....	851
Riuniti, Caricatori:		Rothenberg & Schneider Bros., Inc.:	
candy.....	494	eggs, frozen.....	1263
Rival Foods, Inc.:		Roundup Grocery Co.:	
salmon, canned.....	585	hot sauce.....	435
Riverbank Canning Co.:		prunes.....	659
tomatoes and tomato paste.....	439, 631, 635, 636, 638, 880, 894, 1152	tomato puree.....	643, 644
Riverside Packing Co., Inc.:		Rourke, Chas.:	
crab meat.....	1114	cream.....	60
shrimp, canned.....	596	Rouse, T. R.:	
Roanoke City Mills, Inc.:		blueberries.....	852
flour.....	158, 978	Royal Canning Corporation:	
Robbins, Inc.:		tomato products.....	627, 643, 646, 889
whitefish.....	1128	Royal Clover Distributing Co.:	
Roberts Creamery:		dog and cat food.....	1168
butter.....	732	tomato sauce.....	630
Roberts, P. T.:		Royal-Stafolife Mills:	
apples.....	93	corn meal.....	1028
Roberts, W. H., & Co.:		Ruark, Leroy:	
peas, canned.....	605	cabbage.....	104
Robinson, W. E., & Co., Inc.:		Rudo, B. H., & Bro.:	
tomato products.....	326, 429	tomato sauce.....	630
Robinson, W. H.:		Rugby Creamery:	
pecans.....	479	poultry.....	1493
Rochester Egg & Poultry Co.:		Rum River Creamery Co.:	
poultry.....	1346	butter.....	788
Rochester Packing Co., Inc.:		Rush County Mills:	
butter.....	206	corn meal.....	519, 1029
Rocky Mountain Packing Corporation:		Russell-Miller Milling Co.:	
vegetables, mixed, canned.....	424	flour.....	5, 703, 704
Rodney Milling Co.:		Sae City Canning Co.:	
wheat gray shorts and screenings.....	712	pumpkin, canned.....	422
Roeding Fig & Olive Co.:		Sac City Creamery Co.:	
figs.....	294	butter.....	789
Rolette Creamery:		Safeway Stores, Inc.:	
butter.....	795	spaghetti canned.....	1411
Romane Chocolate Co.:		Safeway Warehouse:	
candy.....	314	sauerkraut juice.....	1
Romano, Tony:		St. Louis Refrigerating & Cold Storage Co.:	
olive oil.....	1354	butter.....	1253
Romine, C. E.:		Saladigo, Paul:	
butter.....	1057	blueberries.....	853
Romine, G. W.:		Salasnek Fish House:	
butter.....	1057	whitefish.....	1128
Romine, J. B.:		Salem County Cannery, Inc.:	
butter.....	1057	tomato pulp.....	284
Romine, K. R.:		Salem Feed & Flour Co.:	
butter.....	1057	cream.....	59, 1259
Romine's Creamery Co.:		Saline County Milk Producers Assoc.:	
butter.....	381, 1057	butter.....	1082, 1239
Roosevelt Liquors, Inc.:		Saline Milk Products Co.:	
whisky.....	331	butter.....	555
Rosemary Creamery, Inc.:		Salinger Brokerage Co.:	
packing-stock butter.....	1095	pumpkin, canned.....	1466
Rosenberg Bros. & Co.:		Salzburg, S.:	
almonds.....	304, 469	blueberries.....	854
apples, evaporated.....	1316	San Carlos Canning Co.:	
currants.....	1318	mackerel, canned.....	803
fruit, dried mixed.....	291, 1163	San Diego Macaroni Manufacturing Co.:	
prunes.....	291-293, 659, 1163, 1318, 1325	noodles.....	363, 522
raisins.....	287, 289, 444, 1318, 1330	Sanitary Milk Co.:	
		butter.....	1255

	N. J. No.		N. J. No.
Santa Fe agent:		Shaw, E. L.:	
candy.....	1379	cream.....	60
Sauer, C. F., Co.:		Shawnee Milling Co.:	
pepper.....	700	flour.....	17,979
vanilla and lemon extracts.....	1395	Shealy, J. A.:	
Sauer, E. T.:		tomato juice.....	891
apples.....	240	Shellabarger Grain Products Co.:	
Saucers Milling Co.:		soybean flour.....	1003
flour.....	993	Shenandoah Milling Co.:	
Saugatuck Fruit Exchange:		flour.....	177, 337, 513, 980, 1209
crab apples.....	103	Sheppard, Henry:	
Saunders County Dairy Co-op:		cabbage.....	269
butter.....	556	Sheriff Street Market & Storage Co.:	
Saurdiff, Wilfred:		meat, canned.....	448
tullibeas.....	231	Sherwood Fish Products Co.:	
Scarpati, H.:		herring roe, canned.....	¹ 581
blueberries.....	855	Shimek, S. E.:	
Scherlis & Katz:		cream.....	1258
whitefish.....	1129	Shimko, E.:	
Schlosser Bros.:		blueberries.....	113
butter.....	1415	Shimko, John:	
Schlosser Dairy Products Co., Inc.:		blueberries.....	113
butter.....	46	Shirley Canning Co.:	
Schoenith, Inc.:		tomato catsup.....	280
candy.....	936	Shoemaker, A.:	
Schultz, Baujan & Co.:		blueberries or huckleberries.....	119
corn meal.....	1030	Shook, Lawrence:	
Schutter Candy Co.:		cream.....	1258
candy.....	142	Sibal, J. F.:	
Schwab, J. C.:		cream.....	1258
cream.....	568	Silver Shell Oyster Co.:	
Scoblick Bros.:		crab meat.....	1116
blueberries.....	856	Silzle, E. A., Corporation:	
Scoblick, James:		grape punch base.....	1203
blueberries.....	857	Simensky & Levy Corporation:	
Scotland Creamery:		blueberries.....	859
butter.....	790	Sisk, A. W., & Son:	
Scott, F. W.:		peanut butter.....	1183
blueberries.....	858	sweetpotatoes, canned.....	879
Sea Foods Corporation:		Sisk, Albert W., & Son:	
tuna, canned.....	807, 808, 1282, 1457	peas, canned.....	1137
Seaboard Milling Co.:		Sivek, W., & Son:	
flour.....	345, 964, 980	peas, canned.....	1301
Seaside Clam Co.:		Skinner Manufacturing Co.:	
crab meat, canned.....	1117	egg noodles.....	1407
Sechter, Abe:		macaroni.....	1038
tullibeas.....	80	Skotek, J. P.:	
Sego Milk Products Co.:		blueberries.....	860
butter.....	791	Skrmetta Sea Food Co.:	
Seiter's, Inc.:		crab meat.....	1270
tomato catsup.....	611, 884, 1149	Slade Gorton Co.:	
Selvig Fish Co.:		perch, frozen.....	1123, 1275
tullibeas.....	1456	Slaughter, T. C.:	
Sennett Candy Co.:		fish roe.....	809, 1285
candy.....	1374	Smith Canning Co.:	
Sentney Wholesale Grocery Co.:		pork and beans, canned.....	1143
peas, canned.....	605	tomato products.....	621, 883, 899, 1308, 1472
Sessions Co., Inc.:		Smith, G. B. R., Milling Co.:	
peanut butter.....	133, 309, 674	flour.....	165, 166
Severtson, Sam:		Smith, H. B.:	
herring, salt.....	230	cream.....	1258
Shada Fruit Co.:		Smith, J. Allen, & Co.:	
apples.....	411	flour.....	333, 994
Shafer, G. M.:		Smith, R. E.:	
cream.....	568	cream.....	1258

¹ Contains findings of fact and conclusions of law.

Smithson, Edwin, Co., Inc.:	N. J. No.	Stafford, H. L.:	N. J. No.
peas, canned	1300	apples	91
Snapp, E. J.:		Stamm, Frank:	
cream	1259	cream	1258
Snell Milling Co.:		Stanard-Tilton Milling Co.:	
self-rising flour	354	flour	178, 981-983
Sni-A-Bar Creamery Co.:		self-rising	178
butter	1086	Standard Brands, Inc.:	
Sorensen Creameries:		tea balls	506
butter	792	Standard Chocolates, Inc.:	
Sorensen Creamery:		candy	687
butter	43, 199, 557, 1431	Standard Milling Co.:	
Sorensen, D. B.:		flour	984
butter	1431	Stanley, B. B.:	
Sorensen, D. D.:		apples	251
butter	199	Stanley Brokerage Co.:	
Sorensen, Paul:		butter	745
butter	1425	Stanley, H. R.:	
South Mountain Creamery, Inc.:		cream	1259
butter	52, 204, 722	Stanton Cooperative Creamery:	
South Plains Creamery:		butter	374, 558, 1058
butter	566	Star Fish Co.:	
Southard, Emma:		codfish and hake, frozen	1450
butter	1056, 1430	Star Milling Co.:	
Southard, G. I.:		flour	337, 513
butter	1049, 1056, 1430	Star Sales & Brokerage Co.:	
Southern Foods:		Maid O' Meat Dog and Cat Food	1495
peanut butter	132, 485	Stayton Canning Co.:	
Southern Pecan Co., Inc.:		cherries, canned	1460
pecans	1173	Stayton Canning Co., Co-op.:	
Southern Pecan Shelling Co.:		sandwich spread	1286
pecans	1174	Steele County Cooperative Creamery Assoc.:	
Southern Seed & Pecan Co.:		butter	794
pecan pieces	1348	Steele-Wedeles Co.:	
Southgate Foods:		tomato puree	1153
peanut butter	1184	Stella Cheese Co.:	
Southland Cotton Oil Co.:		cheese, grated	1097
cottonseed meal	710	Stephenson, E. J.:	
Southland Peanut Products Co.:		blueberries	861
peanut butter	678	Sterling, J. A.:	
Southland Pecan Co., Inc.:		cream	568
pecan halves	1180	Stevens, R. B. and C. G.:	
Spencer Kellogg Co.:		clams, canned	1280
soybean flour	1003	Stevenson, Dale:	
Spencer, R. M.:		cream	1258
apples	254	Stevenson, W. O.:	
Sperry Flour Co.:		butter	1432
corn meal	1001	Stewart, A. B.:	
flour	169, 346, 347, 512, 998, 1001	olives, black	1133
rye	182	Stewart, C. D.:	
rye meal	346	cream	1258
Spinnato, Louis:		Stewart, John, Co.:	
apples	104	huckleberries	872
Spool Cotton Co.:		Stidd's, Inc.:	
candy	1375	chicken tamales	1236
Sprague, Warner & Co.:		Stinnette, T. S.:	
tomato puree	285, 642	cream	1258
Spring Grove Cooperative Creamery:		Stocking, Geo. E., Canning Factory:	
butter	1444	peas, canned	1465
Spring Mountain Blueberry Assoc.:		Stockton Food Products, Inc.:	
blueberries	111, 847	tomatoes and tomato products	610, 619, 624, 641, 647, 1470, 1487
Spring Valley Butter Co.:		Stone-Hall Co.:	
butter	39, 383, 793	tomato products	890
Spring Valley Dairy Products Co.:		Stork, W. P.:	
apple butter	425	poultry	1494
Stacy Vorwerk Co.:			
tomato catsup	614		

	N. J. No.		N. J. No.
Strange Bros. Hide Co.:		Taylor, Lee:	
salt blocks.....	715	cream.....	1258
Streit, A., Inc.:		Taylor & Sledd, Inc.:	
egg noodles.....	1228	herring roe, canned.....	¹ 581
Sudler, Eugene:		peas, canned.....	1141
blueberries or huckleberries.....	119	Tenderoni, Inc.:	
Sugar Creek Creamery Co.:		noodle soup mixture.....	1048
butter.....	378, 723, 1059	Teresi, Antonio:	
Summit Products Co.:		prunes.....	1320
tomato puree.....	430	Terminal Refrigerating & Warehousing Cor- poration:	
Sun Harbor Packing Corporation:		blueberries.....	117
bonita, canned.....	399	huckleberries.....	117, 1289, 1290
Sunflower Creamery:		Texas Peanut Products Co.:	
butter.....	377	peanut butter.....	679
Sunland Sales Cooperative Assoc.:		Texas Star Flour Mills:	
apriots, dried.....	290	flour.....	995
peaches, dried.....	290	Thomas, A. W.:	
raisins.....	661, 1331, 1332	cream.....	60
Sun-Maid Raisin Growers of California:		Thomas, B. L.:	
raisins.....	661, 1331, 1332	cream.....	1259
Sunny State Distributing Co.:		Thomas Bros. Candy Co.:	
butter.....	53	candy.....	942, 1195, 1357
Sunnyburn Trading Co.:		Thomas, D. J.:	
blueberries.....	862	candy.....	1357
Sunnyvale Packing Co.:		Thomas & Howard Co.:	
tomato soup.....	653, 902, 1313	flour.....	334
Sunrise Liquor, Inc.:		Thompson, G. E.:	
whisky.....	330	cream.....	570
Sunset Milling Co.:		Tidey, Russell:	
flour.....	340	apples.....	816
Sunset Nut Shelling Co.:		Tobias, Nathan:	
walnut meats.....	302	apples.....	85
Sunshine Pecan Shelling Co.:		Toll, H. H.:	
pecan pieces.....	1176	cream.....	1258
Superior Feed Products:		Tomaine, F.:	
corn meal.....	1021	blueberries.....	864
Superior Fisheries, Inc.:		Townsend's:	
mackerel, canned.....	803	apples.....	1131
Surface Creek Creamery Association:		Traey, Mrs. George D., Poultry & Eggs:	
butter.....	559	poultry.....	1347
Surtasky, Anthony:		Tranin Egg Products Co.:	
blueberries.....	863	egg whites, frozen.....	1266
Sutter Packing Co.:		Travis Pecan Co.:	
tomato catsup.....	626	pecan pieces.....	473
Sweet Candy Co.:		Trelease & Underhill:	
candy.....	497	butter.....	734, 760, 1417
Sweet Life Food Corporation:		Triplett, J. I.:	
orange juice.....	953	flour.....	1208
tuna, canned.....	1283, 1457	Triton Co.:	
Swierenga Bros.:		apples.....	598
butter.....	753	Troy Apple Growers Association:	
Swift & Co.:		apples.....	403
butter.....	1091	Trusso, S.:	
eggs, frozen.....	572, 1106	olive oil.....	486
Talbot Packing Corporation:		Trusty, Mrs. B. C.:	
peas, canned.....	604	cream.....	568
Talbot Packing & Preserving Co.:		Turin's Inn:	
peas, canned.....	604, 1298	mushrooms, grilled.....	1296, 1297
Talbot, Woods & Co., Inc.:		Turloek Cooperative Growers:	
butter.....	560, 1060, 1071, 1436	tomato paste.....	637, 640, 892, 1151
Tampa Macaroni Co.:		Turner Creamery Co.:	
macaroni.....	192	butter.....	729
Tas-T-Nut Co.:		Turtle Mountain Creamery Co.:	
candy.....	1376	butter.....	795
Taylor, H. P., Jr., Inc.:		Twin City Flouring Mills Co.:	
herring roe, canned.....	¹ 581	flour.....	175, 1002
peas, canned.....	1141		

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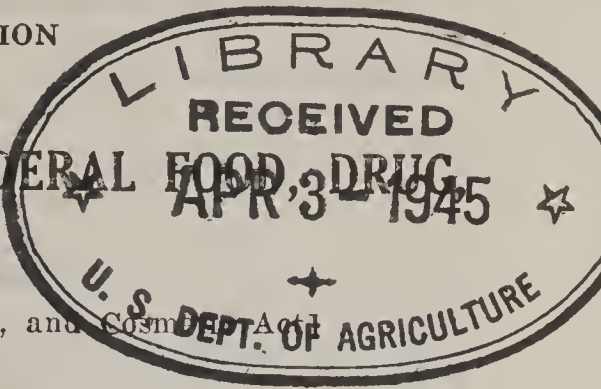
Two Brothers Fish Market:	N. J. No.	Vienna Egg Noodle & Food Co.:	N. J. No.
shrimp, frozen.....	587	noodles.....	366
Two Star Confectionery Co.:		Vinton Creamery Co.:	
candy.....	1193, 1360	butter.....	797
jelly beans.....	938	Virginia Darc Extract Co., Inc.:	
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Union Macaroni Manufacturing Co.:		Waggoner, Norman L., Inc.:	
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West Florida Creamery & Produce Co.:		Woods Cross Canning Co.:	
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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT



[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1-150

FOODS ¹

The cases reported herein were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 16, 1940.*

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BEVERAGES

SAUERKRAUT JUICE

1. Adulteration of sauerkraut juice. U. S. v. 26 Cases of Sauerkraut Juice. Default decree of condemnation and destruction. (F. D. C. No. 353. Sample No. 41352-D.)

This product contained only about half the minimum lactic acid that properly made sauerkraut juice should contain.

On August 4, 1939, the United States attorney for the District of Idaho filed a libel against 26 cases of sauerkraut juice at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about May 27 and June 24, 1939, by Safeway Warehouse from Salt Lake City, Utah, and charg-

¹ Notices of judgment under the Federal Food, Drug, and Cosmetic Act are published in three series: Foods (F. N. J.); Drugs and Devices (D. D. N. J.); and Cosmetics (C. N. J.).

ing that it was adulterated. The article was labeled in part: "Arrow Brand Kraut Juice * * * Packed by Utah Pickle Co. Salt Lake City, Utah."

It was alleged to be adulterated in that water had been substituted wholly or in part for sauerkraut juice and had been added thereto so as to reduce its quality and strength.

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR AND OTHER MILL PRODUCTS

Nos. 2 to 27, inclusive, of this publication report seizure and disposition of flour and other mill products that were in interstate commerce at the time of examination, and were found to be insect-infested at that time.

2. Adulteration of flour. U. S. v. 50 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 258. Sample No. 62440-D.)

On July 10, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 50 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by Bewley Mills from Fort Worth, Tex., on or about April 19, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Bewley's Best * * * Flour."

On October 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3. Adulteration of flour. U. S. v. 15 Sacks and 10 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 261, 265. Sample Nos. 62740-D, 66155-D.)

On or about July 6 and 7, 1939, the United States attorneys for the Northern District of Georgia and the Southern District of Texas filed libels against 15 sacks of flour at Atlanta, Ga., and 10 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce by Pillsbury Flour Mills Co., the former on or about March 18, 1939, from Astoria, Oreg., and the latter on or about June 14, 1939, from Enid, Okla.; and charging that it was adulterated. It was labeled in part: "Pillsbury's Giltedge Flour [or "Pastry Flour Unbleached"]."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On July 31 and August 10, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4. Adulteration of flour. U. S. v. 140 Bags of Flour (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 273, 401, 402. Sample Nos. 60844-D, 61031-D, 61032-D.)

On July 10 and August 16, 1939, the United States attorney for the Eastern District of Louisiana filed libels against 242 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by Houston Milling Co. from Houston, Tex., on or about May 24, July 13, and July 20, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part "American Maid."

On October 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5. Adulteration of flour. U. S. v. 97 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 257. Sample No. 60828-D.)

On July 10, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 97 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by Russell-Miller Milling Co. from Minneapolis, Minn., on or about April 14, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Dandy-Dough Flour."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6. Adulteration of flour. U. S. v. 147 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 307. Sample No. 60852-D.)

On July 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 147 bags of flour at New Orleans, La., alleging that the

article had been shipped in interstate commerce by the Morrison Milling Co. from Denton, Tex., on or about May 9, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Morrison's Super Baker Flour."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7. Adulteration of flour. U. S. v. 55 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 336. Sample No. 60853-D.)

On August 1, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 55 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by the Arnold Milling Co. from Sterling, Kans., on or about June 13, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Thoro-Bread Flour."

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8. Adulteration of flour. U. S. v. 42 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 351. Sample No. 60856-D.)

On August 2, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 42 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by International Milling Co. from Greenville, Tex., on or about June 15, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "White Prince Flour Bleached."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9. Adulteration of flour. U. S. v. 98 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 352. Sample No. 60857-D.)

On August 2, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 98 sacks of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by Majestic Flour Mills from Aurora, Mo., on or about June 17, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Bleached Flour * * * Winner."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10. Adulteration of flour. U. S. v. 573 Sacks of Flour. Consent decree of condemnation and destruction. (F. D. C. Nos. 354 to 359, incl. Sample Nos. 53473-D to 53478-D, incl.)

On or about August 3, 1939, the United States attorney for the Western District of Arkansas filed a libel against 573 sacks of flour at Fort Smith, Ark., consigned by General Mills, Inc., alleging that the article had been shipped in interstate commerce within the period from January 5 to June 7, 1939, from Oklahoma City, Okla.; and charging that it was adulterated. It was labeled in part variously: "Dough Builder [or "Bleached Covered Wagon Flour" or "Vigor Flour"] The Red Star Milling Company, Southwestern Division of General Mills, Inc."; "Money Maker [or "Oven-tested"] Washburn Crosby Flour Washburn's Gold Medal * * * General Mills, Inc."; "Watson Mill Co. Distributor Wichita, Kansas, Dixie Delight."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On August 7, 1939, General Mills, Inc., Minneapolis, Minn., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed, the costs of the proceedings to be borne by General Mills, Inc.

11. Adulteration of flour. U. S. v. 35 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 670. Sample No. 63054-D.)

On August 4, 1939, the United States attorney for the District of New Jersey filed a libel against 35 bags of flour at Harrison, N. J., alleging that the article had been shipped in interstate commerce by Wichita Mill & Elevator Co. from El Reno, Okla., on or about July 10, 1939; and that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bleached Chief Strength * * * Packed For Liberty Flour Co. Newark, N. J."

On November 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12. Adulteration of flour. U. S. v. 92 Bags, etc., of Flour (and 1 other similar seizure action against same product). Product ordered destroyed. (F. D. C. Nos. 405, 406, 407, 408, 597. Sample Nos. 60884-D, 61007-D, 61009-D, 61010-D, 61030-D.)

On August 10 and 21, 1939, the United States attorney for the Eastern District of Louisiana filed libels against 546 bags of flour at New Iberia, and 588 bags of flour at Houma, La., alleging that the article had been shipped in interstate commerce by General Mills, Inc., in part from Wichita Falls, Tex., and in part from Oklahoma City, Okla., on or about May 24 and August 10, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Fast Seller [or "Purasnow," "White Magic," or "Royal Rose"] Flour."

On October 25, 27, and 28, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

13. Adulteration of flour. U. S. v. 15 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 380. Sample No. 61008.)

On August 10, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 15 sacks of flour at New Iberia, La., alleging that the article had been shipped in interstate commerce by Morten Milling Co. from Dallas, Tex., on or about July 20, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "La France Flour."

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

14. Adulteration of flour. U. S. v. 113 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 381. Sample No. 63052-D.)

On August 10, 1939, the United States attorney for the Northern District of Alabama filed a libel against 113 bags of flour at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about June 5, 1939, by Cherokee Mills Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 12, 1939, the Birmingham Flour Co., Birmingham, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured in such manner that it could not be diverted to human use.

15. Adulteration of flour. U. S. v. 200 Sacks of Flour. Consent decree of condemnation and destruction. (F. D. C. No. 399. Sample No. 63062-D.)

On August 14, 1939, the United States attorney for the Northern District of Alabama filed a libel against 200 sacks of flour at Birmingham, Ala., alleging that the article had been shipped in interstate commerce on or about April 21 and June 2, 1939, by Dunlop Milling Co. from Clarksville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Mary Jane Flour."

On August 22, 1939, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

16. Adulteration of flour. U. S. v. 499 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 444. Sample No. 61036-D.)

On August 21, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 499 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by the Leger Mill Co. from Altus, Okla., on or about July 26, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

17. Adulteration of flour. U. S. v. 20 Bags and 62 Bags of Flour. Default decrees of condemnation and destruction. Product ordered destroyed. (F. D. C. Nos. 453, 454. Sample Nos. 61038-D, 61039-D.)

On August 21, 1939, the United States attorney for the Eastern District of Louisiana filed libels against 82 bags of flour at New Orleans, La., alleging

that the article had been shipped in interstate commerce by Shawnee Milling Co. from Shawnee, Okla., on or about June 17, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part "Climax Flour."

On October 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

18. Adulteration of flour. U. S. v. 115 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 522. Sample No. 63070-D.)

On August 31, 1939, the United States attorney for the Middle District of Alabama filed a libel against 115 bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce by the Acme-Evans Co. from Indianapolis, Ind., on or about April 27, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

19. Adulteration of flour. U. S. v. 46 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 520. Sample No. 63068-D.)

On August 31, 1939, the United States attorney for the Middle District of Alabama filed a libel against 46 bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about June 30, 1939, by Lawrenceburg Roller Mills Co. from Lawrenceburg, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Special Spring Clear Flour. Bleached."

On October 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

20. Adulteration of flour. U. S. v. 30 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 713. Sample No. 51483-D.)

On October 10, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 30 bags of flour at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1939, by the Pueblo Flour Mills from Pueblo, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part "Lorado Flour."

On October 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

21. Adulteration of flour. U. S. v. 350 Bags of Flour. Consent decree of condemnation. Product released under bond to be denatured or manufactured into feed. (F. D. C. No. 733. Sample No. 61054-D.)

On October 12, 1939, the United States attorney for the Middle District of Alabama filed a libel against 350 bags of flour at Dothan, Ala., alleging that the article had been shipped in interstate commerce by Atlas Mills from Vincennes, Ind., on or about September 8, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bleached W. Flour * * * From Igleheart Brothers Inc. Evansville, Indiana."

On November 2, 1939, Indiana Flour Co., Inc., Dothan, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be disposed of for animal feed or for some purpose other than human consumption.

22. Adulteration of whole wheat flour. U. S. v. 35 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 314. Sample No. 60838-D.)

On July 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 35 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce by Oklahoma City Mills from El Reno, Okla., on or about June 22, 1939; and that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part: "Texoka 100% Whole Wheat Flour Bleached Manufactured by General Mills, Inc."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

23. Adulteration of whole wheat flour. U. S. v. 28 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 342. Sample No. 56535-D.)

On August 3, 1939, the United States attorney for the Northern District of California filed a libel against 28 bags of flour at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about March 30 and May 16, 1939, by Crowther Bros. Milling Co. from Malad City, Idaho; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

24. Adulteration of rice flour. U. S. v. 10 Sacks of Rice Flour. Default decree of condemnation and destruction. (F. D. C. No. 341. Sample No. 41369-D.)

On August 1, 1939, the United States attorney for the District of Idaho filed a libel against 10 sacks of rice flour at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about November 18, 1938, by Phillips Milling Co. from Sacramento, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Phillips Golden State Rice Flour."

On August 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

25. Adulteration of corn flour, grits, and corn meal. U. S. v. 115 Bags of Corn Flour, 13 Bags of Grits, and 5 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. Nos. 262, 442, 443. Sample Nos. 60847-D, 60848-D, 61034-D, 61035-D.)

On July 10 and August 21, 1939, the United States attorney for the Eastern District of Louisiana filed libels against 115 bags of corn flour, 13 bags of grits, and 5 bags of corn meal at New Orleans, La., alleging that the articles had been shipped in interstate commerce by Evans Milling Co. from Indianapolis, Ind., on or about March 24 and May 20, 1939; and that they were adulterated in that they consisted wholly or in part of filthy vegetable substances. The articles were labeled in part variously: "Emco Pure White Corn Flour"; "Emco Fine Grits"; or "Emco White Cream Meal."

On October 19 and 20, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

26. Adulteration of corn meal. U. S. v. 210 Bags and 200 Bags of Corn Meal. Consent decree of condemnation. Product released under bond to be disposed of for animal feed. (F. D. C. Nos. 676, 677. Sample Nos. 65841-D, 65844-D, 79137-D.)

On or about October 5, 1939, the United States attorney for the Southern District of Florida filed libels against 410 bags of corn meal at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce by Farmers Milling Co., Inc., from Valdosta, Ga., on or about September 20 and 21, 1939; and that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Valmeco Old Style Southern Corn Meal."

On October 25, 1939, Farmers Milling Co., Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond to be denatured under the supervision of this Department, and disposed of for animal feed.

27. Adulteration of wheat cereal. U. S. v. 14 Bags of Ralston Wheat Cereal. Default decree of condemnation and destruction. (F. D. C. No. 712. Sample No. 51485-D.)

On October 10, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 bags of Ralston wheat cereal at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce within the period from on or about June 14 to July 18, 1939, by Ralston Purina Co. from Battle Creek, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 28 and 29 report seizure and disposition of corn meal that was in interstate commerce at the time of examination, and was found to be insect-infested and to contain rodent hairs at that time.

28. Adulteration of corn meal. U. S. v. 210 Bags of Corn Meal. Product released under bond to be disposed of for animal feed. (F. D. C. No. 631. Sample No. 66360-D.)

On September 22, 1939, the United States attorney for the Southern District of Florida filed a libel against 210 bags of corn meal at Jacksonville, Fla., alleging that the article had been shipped by the Eelbeck Milling Co. from Omaha, Ga.; on or about September 16, 1939; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 11, 1939, the Eelbeck Milling Co. having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond to be reconditioned under the supervision of this Department, and disposed of for animal feed.

29. Adulteration of corn meal. U. S. v. 21 Bags of Meal (and 3 other seizure actions against corn meal). Default decrees of condemnation and destruction. (F. D. C. Nos. 600 to 603, incl. Sample Nos. 66233-D to 66236-D, incl.)

On September 15, 1939, the United States attorney for the Southern District of Florida filed libels against 143 96-pound bags, 11 48-pound bags, and 14 24-pound bags of corn meal at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 31 and September 8, 1939, by Juliette Milling Co. from Juliette, Ga.; and charging that it was adulterated. It was labeled in part: "Juliette Meal," or "Water Mill Meal."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On October 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

PRETZEL STICKS

30. Misbranding of pretzel sticks. U. S. v. 2,996 Packages of Pretzel Sticks. Consent decree of condemnation. Product released under bond to be repacked and relabeled. (F. D. C. No. 404. Sample Nos. 67531-D, 67532-D.)

This product was short weight, the container was filled to about 60 percent of its capacity, and the net-weight declaration was inconspicuous since it was printed on the top and bottom and did not appear on the main panels.

On August 16, 1939, the United States attorney for the District of New Jersey filed a libel against 2,996 packages of pretzel sticks at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about July 18 and 21, 1939, by Hygrade Bakery from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: "Net Weight 1 Lb."

It was alleged to be misbranded in that the statement of weight on the label was false and misleading since it was not correct. It was alleged to be misbranded further in that its container was so filled as to be misleading, in that it was in package form and failed to bear an accurate statement of the quantity of the contents, and in that the statement of weight was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase.

On August 28, 1939, claimants Charles Zeitz and Philip Frank, trading as the Hygrade Bakery, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked and relabeled in compliance with the law.

DAIRY PRODUCTS

BUTTER

Nos. 31 to 52, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

31. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 348. Sample No. 55629-D.)

On July 15, 1939, the United States attorney for the Northern District of Illinois filed a libel against 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 20, 1939, by

Farmers Union Cooperative Creamery from Superior, Nebr.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 29, 1939, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to contain at least 80 percent of milk fat.

32. Adulteration of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 332. Sample No. 60791-D.)

On July 13, 1939, the United States attorney for the Southern District of New York filed a libel against 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 4, 1939, by Fauquier Creamery Co., Marshall, Va. (member Monticello Dairy Corporation), in pool shipment by truck from Culpeper Creamery Co., Culpeper, Va.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

33. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 344. Sample Nos. 55628-D, 55632-D.)

On July 15, 1939, the United States attorney for the Northern District of Illinois filed a libel against 12 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 25, 1939, by Granger Farmers Cooperative Creamery from Granger, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 25, 1939, H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

34. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 333. Sample No. 67683-D.)

On July 18, 1939, the United States attorney for the Southern District of New York filed a libel against 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 5, 1939, by Glen Ullin Creamery, Glen Ullin, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 3, 1939, Fortgang Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

35. Adulteration of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 331. Sample No. 67684-D.)

On July 18, 1939, the United States attorney for the Southern District of New York filed a libel against 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 29, 1939, by Catawba Creamery from Catawba, Wis.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 1, 1939, Catawba Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

36. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 395. Sample Nos. 55630-D, 55801-D.)

On July 19, 1939, the United States attorney for the Northern District of Illinois filed a libel against 11 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 2, 5, 7, and 9,

1939, by Iowa County Cooperative Dairy from Dodgeville, Wis.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On July 26, 1939, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

37. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking. (F. D. C. No. 396. Sample Nos. 55636-D, 55802-D.)

On July 27, 1939, the United States attorney for the Northern District of Illinois filed a libel against 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 10, 1939, by Deer Creek Creamery Co. from Atchison, Kans.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 25, 1939, Deer Creek Creamery Co., Atchison, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

38. Adulteration of butter. U. S. v. 43 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 529. Sample Nos. 55637-D, 55692-D.)

On August 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against 43 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1939, by Des Moines Cooperative Dairy from Des Moines, Iowa; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 24, 1939, Miles Friedman, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

39. Adulteration of butter. U. S. v. 83 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 427. Sample No. 67716-D.)

On August 11, 1939, the United States attorney for the Southern District of New York, filed a libel against 83 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1939, by Spring Valley Butter Co. from Houston, Tex.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 22, 1939, Spring Valley Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

40. Adulteration and misbranding of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 498. Sample No. 60254-D.)

On August 17, 1939, the United States attorney for the Southern District of New York filed a libel against 30 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by Linton Creamery Co., Linton, N. Dak.; and charging that it was adulterated and misbranded.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged in that the article was offered for sale under the name of another food; and in that it was an imitation of butter and the word "imitation" did not appear on the label in connection with the word "butter."

On August 29, 1939, Linton Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

41. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 509. Sample No. 60256-D.)

On August 18, 1939, the United States attorney for the Southern District of New York filed a libel against 14 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1939, by David Park Co. from Bemidji, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 29, 1939, David Park Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

42. Adulteration of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 553. Sample No. 67732-D.)

On August 28, 1939, the United States attorney for the Southern District of New York filed a libel against 15 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by the Gackle Creamery from Gackle, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 5, 1939, Gackle Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

43. Adulteration of butter. U. S. v. 14 Cartons and 96 Cartons of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 550, 552. Sample Nos. 67723-D, 67728-D.)

On August 26, 1939, the United States attorney for the Southern District of New York filed a libel against 110 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12 and 16, 1939, by the Sorensen Creamery from Big Stone City, Minn. [S. Dak.]; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat and was represented to be butter.

On September 5, 1939, the Sorensen Creamery, claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

44. Adulteration of butter. U. S. v. 9 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 530. Sample No. 67722-D.)

On August 25, 1939, the United States attorney for the Southern District of New York filed a libel against nine cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by Clinton Creamery, Clinton, Minn., from Duluth, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 5, 1939, Clinton Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

45. Adulteration of butter. U. S. v. 15 Cartons and 17 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 531, 554. Sample Nos. 60259-D, 67727-D, 67733-D.)

On August 25 and 28, 1939, the United States attorney for the Southern District of New York filed libels against 32 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12 and 18, 1939, by Monticello Dairy, Monticello, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 8, 1939, Mersel & Fortgang, New York, N. Y., claimants, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

46. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 585. Sample No. 69774-D.)

On August 25, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against nine tubs of butter at Sunbury, Pa., alleging that the article had been shipped in interstate commerce on or about August 19, 1939, by Schlosser Dairy Products Co., Inc. (Isaly's Creamery Products, Inc.), from Fort Wayne, Ind.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 18, 1939, Schlosser Dairy Products Co., Inc. (Isaly's Creamery Products, Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

47. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 528. Sample No. 44499-D.)

On August 21, 1939, the United States attorney for the District of New Jersey filed a libel against eight tubs of butter at Elizabeth, N. J., alleging that the article had been shipped in interstate commerce on or about August 14, 1939, by Armour Creameries, Inc., from Minnesota Transfer, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gold Band Brand."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading; in that a product which contained less than 80 percent by weight of milk fat had been offered for sale under the name "butter"; and in that it was an imitation of butter and the word "imitation" did not appear on the label.

On October 10, 1939, Armour & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

48. Adulteration of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 551. Sample Nos. 67726-D, 67734-D.)

On August 26, 1939, the United States attorney for the Southern District of New York filed a libel against 12 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by Foley Creamery Co. from Foley, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 28, 1939, the Foley Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

49. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 497. Sample Nos. 55638-D, 55639-D.)

On August 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by Farmers Creamery Co. from St. Olaf, Iowa; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 19, 1939, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

50. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 637. Sample No. 67421-D.)

On September 18, 1939, the United States attorney for the Southern District of New York filed a libel against 17 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August

20, 1939, by Falfurrias Creamery Co. from Falfurrias, Tex.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 26, 1939, Falfurrias Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

51. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 693. Sample No. 35197-D.)

On October 2, 1939, the United States attorney for the District of Maryland filed a libel against 2 cartons containing 75 pounds of butter at Hagerstown, Md., alleging that the article had been shipped in interstate commerce, on or about September 29, 1939, by Jefferson Creamery from Charles Town, W. Va.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

52. Adulteration of butter. U. S. v. 25 Tubs of Salted Butter and 47 Tubs of Sweet Butter. Consent decree of condemnation. Product released under bond conditioned that portion deficient in milk fat be reworked. (F. D. C. No. 725. Sample Nos. 68205-D, 68206-D.)

On October 3, 1939, the United States attorney for the Southern District of New York filed a libel against 72 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by South Mountain Creamery, Inc., from Middletown, Md.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 17, 1939, South Mountain Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that all tubs found to contain a product deficient in milk fat be reworked to the legal standard.

53. Misbranding of butter. U. S. v. 250 Cases of Butter. Product released under bond to be remolded and repacked. (F. D. C. No. 619. Sample Nos. 40837-D, 40838-D.)

This product was short of the declared weight.

On August 5, 1939, the United States attorney for the District of New Mexico filed in the district court a libel praying seizure and condemnation of 250 cases of butter at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 30, 1939, by Plains Creamery, Inc., from Amarillo, Tex.; and charging that it was misbranded. The article was labeled in part: "Sunny State Fancy Creamery Butter Sunny State Distributing Company, Albuquerque, New Mexico."

It was alleged to be misbranded in that it was labeled "One Pound," which was false and misleading since the packages contained less than that quantity.

On August 21, 1939, the Plains Creamery, claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond conditioned that it be brought into conformity with the law under the supervision of this Department. It was remolded and repacked to the labeled weight.

54. Misbranding of butter. U. S. v. 1,050 Pound Prints of Butter. Default decree of condemnation and destruction. (F. D. C. No. 644. Sample No. 35192-D.)

This product was short weight.

On September 19, 1939, the United States attorney for the District of Maryland filed a libel against 1,050 1-pound prints of butter at Cumberland, Md., alleging that the article had been shipped in interstate commerce on or about September 15, 1939, by Potomac Valley Creamery from Franklin, W. Va.; and charging that it was misbranded. The article was labeled in part: "Potomac Valley Brand Fine Creamery Butter * * * One Pound Net."

It was alleged to be misbranded in that the prints did not contain 1 pound net, as labeled.

On October 11, 1939, 352 pounds having been seized and no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

55. Adulteration of butter. U. S. v. 14 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 821. Sample No. 82939-D.)

Samples of this product were found to contain mold.

On October 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 14 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by Mountain Valley Creamery from Brasstown, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kingan's Reliable Pure Creamery Butter * * * Packed for Kingan & Co."

On November 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHEESE

56. Misbranding of grated cheese. U. S. v. 76 Dozen Cans of Grated Cheese. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 441. Sample No. 47908-D.)

The packages of this product contained less than the declared weight. They were also deceptive in that they were filled only to about one-half of their capacity.

On August 17, 1939, the United States attorney for the District of Maryland filed a libel against 76 dozen cans of grated cheese at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 11, 1939, by Italian Cheese Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Icco Brand Grated Cheese * * * Contents 1½ Oz. Avoir."

Misbranding was alleged in that the labeling of the article was false and misleading, since the packages did not contain 1½ ounces but did contain a smaller amount; in that its container was so filled as to be misleading; and in that it was in package form and its label did not contain an accurate statement of the quantity of contents.

On September 26, 1939, a claim and answer having been filed and the case having come up for hearing, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department and be made to comply with the law in all respects.

57. Misbranding of grated cheese. U. S. v. 22 Cartons of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 564. Sample No. 69848-D.)

The containers of this product were slack-filled, the cans examined having been found to contain an average of 51 percent of their capacity.

On September 7, 1939, the United States attorney for the District of New Jersey filed a libel against 22 cartons, each containing 12 cans of grated cheese, at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about August 16, 1939, by M. Wildstein & Sons, Inc., from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: "New Yorker Brand Italian Style Grated Cheese New Yorker Cheese Company, Phila., Penn."

It was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading.

On October 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

58. Adulteration of cream. U. S. v. Three 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 346. Sample No. 35170-D.)

This product was in whole or in part filthy or decomposed.

On July 26, 1939, the United States attorney for the District of Maryland filed a libel against three 10-gallon cans of cream at Middletown, Md., alleging that the articles had been shipped in interstate commerce on or about July 24, 1939, by E. J. Keller from Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On July 28, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

59. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream (and 2 other seizure actions against the same product). Consent decrees of condemnation and destruction. (F. D. C. Nos. 645, 654, 655. Sample Nos. 81017-D, 81018-D, 81019-D.)

This product was in whole or in part filthy, putrid, or decomposed.

One September 20, 21, and 23, 1939, the United States attorney for the Western District of Pennsylvania filed libels against nine 10-gallon cans and one 5-gallon can of cream at Millvale and Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 19, 20, and 22, 1939, by various shippers as follows: Blue Valley Creamery Co., Woodstock, Va.; Guy Morgan, Moundsville, W. Va.; Freeland & Farhatt, Middlebourne, W. Va.; Farmers Supply Co., Morgantown, W. Va.; Dewey O. McCoy, Berkley Springs, W. Va.; Fairmont Creamery Co., Strasburg, Va.; Zipf Hardware Co., St. Marys, W. Va.; Salem Feed & Flour Co., Salem, W. Va.; and B. M. Fun, Orange, Va.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

The consignees having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

60. Adulteration of cream. U. S. v. Five 5-Gallon Cans of Cream (and 7 other seizure actions against the same product). Consent decrees of condemnation and destruction. (F. D. C. Nos. 604 to 611, incl. Sample Nos. 70890-D to 70895-D, incl., 70898-D, 71001-D.)

Samples of this product were found to be decomposed, putrid, rancid, cheesy, or filthy.

On September 6 and 7, 1939, the United States attorney for the District of Colorado filed libels against thirteen 5-gallon cans and eleven 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from September 2 to September 5, 1939, in various lots and by various shippers as follows: David W. Felker, Stratton, Nebr.; John M. Pullen, Lakeside, Nebr.; Kenneth Kitt, Wauneta, Nebr.; Marvin Hansen, Benkelman, Nebr.; Claude Cochran, Bridgeport, Nebr.; Pinebluffs Creamery, Pinebluffs, Wyo.; Nellie E. Brown, Lamar, Nebr.; C. N. Christy, Dix, Nebr.; Chas. Rourke, Gillette, Wyo.; Eddie Laurence, Lodge Grass, Mont.; Ivan Kirkman, Benkelman, Nebr.; Mrs. May Hesseltine, Bayard, Nebr.; Ray Wills, Potter, Nebr.; O. A. Baumgardner, Gurnsey, Wyo.; R. A. Wilkins, Eustace, Nebr.; Andy B. Rapp, Sidney, Nebr.; Peter A. Hoff, Victoria, Kans.; A. W. Thomas, Sidney, Nebr.; Ernest L. Shaw, Selden, Nebr.; Elva Barnt, Keystone, Nebr.; Joseph C. Dawes, Colby, Kans.; M. F. Brestel, Brady Island, Nebr.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same date as the institution of the actions.

EGGS AND EGG PRODUCTS

61. Adulteration of frozen mixed eggs. U. S. v. 1,852 Cans and 2,000 Cans of Mixed Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 440. Sample Nos. 67709-D, 67713-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed.

On August 17, 1939, the United States attorney for the District of New Jersey filed a libel against 3,852 cans of mixed eggs at Jersey City, N. J., alleging that the article had been shipped on or about July 17 and 24, 1939, by Joe Lowe Corporation from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed or putrid substance.

On August 31, 1939, the Joe Lowe Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the good be separated from the bad and that the latter be denatured or destroyed.

62. Adulteration of egg powder. U. S. v. 7 Barrels of Egg Powder. Default decree of condemnation and destruction. (F. D. C. No. 548. Sample Nos. 26280-D, 26281-D, 26282-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in whole or in part decomposed.

On September 6, 1939, the United States attorney for the Southern District of New York filed a libel against seven barrels of egg powder at New York, N. Y., alleging that the article had been shipped in various shipments on or about May 26, June 17, and July 21, 1939, by Domestic Egg Products, Inc., from Chickasha, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FISHERIES PRODUCTS

CRAB MEAT

Nos. 63 to 67, inclusive, of this publication report the seizure and disposition of crab meat which contained evidence of the presence of filth.

63. Adulteration of crab meat. U. S. v. Ninety-seven and Twenty-three 1-Pound Cans of Crab Meat (and 2 other seizure actions against crab meat). Default decrees of condemnation and destruction. (F. D. C. Nos. 251, 252, 276. Sample Nos. 60832-D, 60833-D, 60846-D.)

On June 30 and July 1, 1939, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 314 pounds of crab meat at Washington, D. C., and 397 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 27, 1939, by Ed. Martin Sea Food Co., Inc., from Harvey and New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 22 and August 5, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

64. Adulteration of crab meat. U. S. v. 1 Barrel and 2 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 527, 534. Sample Nos. 34890-D, 47629-D.)

On August 26 and 28, 1939, the United States attorney for the Southern District of New York filed libels against three barrels containing 206 pounds of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 22 and 23, 1939, by Crocheron Bros. from Crocheron, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance or of a filthy, putrid, or decomposed substance.

On September 11 and 12, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

65. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 277. Sample No. 60881-D.)

On July 1, 1939, the United States attorney for the District of Maryland filed a libel against one barrel, containing 71 pounds of crab meat, at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 29, 1939, by C. F. Gollott Seafood Co. from Ocean Springs, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On July 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

66. Adulteration of crab meat. U. S. v. 1 Barrel containing 80 1-Pound Cans of Crab Meat (and 2 other seizure actions against crab meat). Default decrees of condemnation and destruction. (F. D. C. Nos. 566, 582, 583. Sample Nos. 34894-D, 47631-D, 47632-D.)

On September 2, 1939, the United States attorney for the Eastern District of Pennsylvania filed libels against 182 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 30 and 31, 1939, by E. A. Hitchings & Co. from Norfolk, Va.; and

charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 30, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

67. Adulteration of crab meat. U. S. v. 97, 97, 40, and 46 1-Pound Cans of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 247, 248, 278, 279. Sample Nos. 60861-D, 62456-D, 62457-D, 62549-D.)

On or about June 29 and July 1, 1939, the United States attorneys for the District of Columbia and the Northern District of Georgia filed libels against 194 cans of crab meat at Washington, D. C., and 86 cans of crab meat at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about June 26 and 27, 1939, by Reuther's Sea Food Co., Inc., of Berwick, La., from New Orleans, La.; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance or of a filthy, putrid, or decomposed substance.

On August 5 and 9, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

FROZEN FISH

Nos. 68 to 72, inclusive, report the seizure and disposition of frozen fish that was in interstate commerce at the time of examination, and was found to be in whole or in part decomposed at that time.

68. Adulteration of frozen fillets. U. S. v. 98 Cartons of Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 264. Sample No. 69417-D.)

On July 8, 1939, the United States attorney for the District of Colorado filed a libel against 98 cartons of frozen fillets at Denver, Colo., consigned by Forty Fathom Fish, Inc., alleging that the article had been shipped in interstate commerce on or about June 30, 1939, from Boston, Mass.; and charging that it was adulterated. It was labeled in part: "Large Hadd Fillets * * * Cold Seal Fillets General Seafoods Corporation Boston Mass."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On August 15, 1939, General Seafoods Corporation, Boston, Mass., having signed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

69. Adulteration of frozen fillets. U. S. v. 25 Cases of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 254. Sample No. 62595-D.)

On July 1, 1939, the United States attorney for the Southern District of Texas filed a libel against 25 cases of haddock fillets at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about June 3, 1939, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On August 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

70. Adulteration of frozen fish. U. S. v. 28 Boxes and 191 Boxes of Pollack Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 320, 322. Sample Nos. 55376-D, 55826-D.)

On July 27 and August 2, 1939, the United States attorneys for the Eastern District of Wisconsin and the Northern District of Illinois filed libels against 28 boxes of pollack fillets at Milwaukee, Wis., and 191 boxes of the same product at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 31 and July 15, 1939, by Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On August 21 and October 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

71. Adulteration of frozen perch. U. S. v. 97 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 511. Sample No. 66198-D.)

On August 25, 1939, the United States attorney for the Northern District of Georgia filed a libel against 97 boxes of frozen fillets at Atlanta, Ga., alleging

that the article had been shipped in interstate commerce on or about August 20, 1939, by Cape Ann Cold Storage Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Red Perch De-Vi-Do Pack."

On October 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

72. Adulteration of frozen fish. U. S. v. 785 Boxes of Ocean Perch Fillets. Decree of condemnation and destruction. (F. D. C. No. 321. Sample No. 55374-D.)

On August 2, 1939, the United States attorney for the Northern District of Illinois filed a libel against 785 boxes of perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 15, 1939, by Gloucester Fish Pier Fillet Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On August 10, 1939, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

73. Adulteration of frozen fish. U. S. v. 150 Boxes of Perch Fillets (and 3 other seizure actions against similar products). Consent decrees of condemnation. Product ordered disposed of for fertilizer. (F. D. C. Nos. 238, 243, 253, 284. Sample Nos. 54823-D, 54825-D, 55358-D, 55361-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination one lot was in part decomposed and the remaining lots were infested with parasitic worms.

Between June 29 and July 15, 1939, the United States attorney for the Northern District of Illinois filed libels against 1,446 boxes of frozen fish at Chicago, Ill., alleging that the article had been shipped within the period from about June 14 to about July 3, 1939, from Boston, Mass., in the names of Busalacchi Bros., or T. & J. Busalacchi; and charging that it was adulterated.

One shipment was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance. The remaining shipments were alleged to be adulterated in that they consisted in whole or in part of a filthy animal substance.

Between July 11 and August 10, 1939, the consignees having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered converted into fertilizer.

74. Adulteration of frozen fish. U. S. v. 2,500 Pounds of H. & G. Whiting and 44 Boxes of Ocean Perch Layers. Default decrees of condemnation and destruction. (F. D. C. Nos. 372, 394. Sample Nos. 63634-D, 63711-D.)

This product had been shipped in interstate commerce. At the time of examination the whiting was found to be in whole or in part decomposed, and the ocean perch was found to contain parasitic worms.

On August 8 and 12, 1939, the United States attorney for the Eastern District of Missouri filed libels against 2,500 pounds of H. & G. whiting and 44 boxes of ocean perch at St. Louis, Mo., alleging that the articles had been shipped on or about July 7 and August 1, 1939, by the O'Donnell-Usen Fisheries Corporation from Boston, Mass.; and charging that they were adulterated.

Adulteration was alleged in that the articles consisted wholly or in part of a decomposed or filthy substance.

On September 12 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

75. Adulteration of frozen fish. U. S. v. 25 Boxes of Sea Perch. Default decree of condemnation and destruction. (F. D. C. No. 290. Sample No. 52118-D.)

This product was infested with parasitic worms.

On July 12, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 25 boxes of sea perch at Pittsburgh, Pa., consigned by the P. H. Prior Co., alleging that the article had been shipped in interstate commerce on or about July 5, 1939, from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FROZEN FROG LEGS

76. Adulteration of frozen frog legs. U. S. v. 27, 18, and 19 Bags of Frog Legs. Default decrees of condemnation and destruction. (F. D. C. Nos. 635, 698. Sample Nos. 59507-D, 60560-D, 60561-D, 68196-D, 68209-D, 68210-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in whole or in part decomposed.

On September 25 and October 9, 1939, the United States attorney for the Southern District of New York filed libels against 64 bags of frog legs at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 30 to on or about August 21, 1939, by Porterfield & Monroe from Mascotte and Clermont, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 10 and 28, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED HERRING ROE

77. Adulteration of canned herring roe. U. S. v. 70 Cases of Herring Roe. Default decree of condemnation and destruction. (F. D. C. No. 439. Sample Nos. 51918-D, 51928-D.)

This product contained viscera and was in part decomposed.

On August 17, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 70 cases of canned herring roe at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 6, 1939, by B. E. Harrington & Son from Taylors Island, Md.; and charging that it was adulterated. The article was labeled in part: "Pride Brand Fresh River Herring Roe."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED SALMON

78. Adulteration of canned salmon. U. S. v. 29 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. D. C. No. 592. Sample Nos. 43970-D, 43971-D, 43972-D, 43974-D, 43975-D, 43980-D, 43981-D.)

This product was found to be in part decomposed.

On September 13, 1939, the United States attorney for the Northern District of California filed a libel against 29 cases of canned salmon at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 3, 1939, from Naknek, Alaska, by the Alaska Packers' Association; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 25, 1939, the Alaska Packers' Association having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

79. Adulteration of canned salmon. U. S. v. 23 Cases of Canned Salmon. Decree of condemnation. Product released under bond. (F. D. C. No. 613. Sample Nos. 43977-D, 43985-D.)

This product was in part decomposed.

On September 18, 1939, the United States attorney for the Northern District of California filed a libel against 23 cases of canned salmon at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 9, 1939, from Nushagak, Alaska, by Alaska Packers' Association; and charging adulteration in that it consisted wholly or in part of a decomposed substance.

On September 25, 1939, Alaska Packers' Association having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

TULLIBEES

80. Adulteration of tullibeas. U. S. v. 105 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. D. C. No. 334. Sample No. 60556-D.)

This product was infested with parasitic worms.

On July 18, 1939, the United States attorney for the Eastern District of New York filed a libel against 105 boxes of tullibeas at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 10, 1939, by Abe Sechter from St. Paul, Minn.; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it was a portion of an animal unfit for food.

On August 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

Nos. 81 to 110, inclusive, of this publication report the seizure and disposition of fruits and vegetables which bore spray residue containing lead or arsenic or both lead and arsenic in amounts which might have rendered them injurious to health.

81. Adulteration of apples. U. S. v. 13 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 496. Sample No. 55680-D.)

On August 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against 13 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 20, 1939, by R. A. Buyce from Bangor, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 18, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

82. Adulteration of apples. U. S. v. 20 Baskets of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 503. Sample No. 66053-D.)

On August 17, 1939, the United States attorney for the Southern District of Florida filed a libel against 20 baskets of apples at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by R. B. Dasher of Miami, Fla., from West End, N. C.; and charging that it was adulterated. The article had been transported from the Pinehurst Peach Co., Inc. It was labeled in part: "Packed by Pinehurst Peach Co., West End, N. C."

It was alleged to be adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On August 18, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

83. Adulteration of apples. U. S. v. 53 Baskets of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 584. Sample No. 65949-D.)

On September 5, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 53 baskets of apples at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about August 26, 1939, by P. P. Leventis & Co., Inc., from Gastonia, N. C.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On September 5, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

84. Adulteration of apples. U. S. v. 180 Bushels and 10 Bushels of Apples (and 3 other seizure actions against apples). Decrees of condemnation and destruction. (F. D. C. Nos. 622, 681, 694, 695. Sample Nos. 46290-D, 46433-D, 46434-D, 46455-D, 46456-D, 46464-D.)

Between September 8 and 16, 1939, the United States attorney for the Northern District of Illinois filed four libels against a total of 352 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about August 23 to on or about Septem-

ber 5, 1939, by the C. C. Winkler Co. from Vincennes, Ind.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health. The article was labeled in part: "From N. Y. Yates Decker, Indiana."

On September 21, October 10, October 27, and November 2, 1939, judgments of condemnation were entered by consent of the claimant in certain cases and by default in the others.

85. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 621. Sample No. 46431-D.)

On September 8, 1939, the United States attorney for the Northern District of Illinois filed a libel against 12 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Nathan Tobias from Benton Harbor, Mich., on or about August 27, 1939; and that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health. It was labeled in part: "Irving Arent Coloma, Mich."

On November 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

86. Adulteration of apples. U. S. v. 42 Bushels of Jonathan Apples. Default decree of condemnation and destruction. (F. D. C. No. 623. Sample No. 63950-D.)

On September 11, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 42 bushels of apples at St. Louis, Mo., alleging that the article had been transported in interstate commerce on or about August 26, 1939, by Steve Fortschneider from Golden Eagle, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

87. Adulteration of apples. U. S. v. 110 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 845. Sample No. 53425-D.)

On September 11, 1939, the United States attorney for the Northern District of Oklahoma filed a libel against 110 bushels of apples at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 5, 1939, by David May from Hardin, Ill.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 14, 1939, the shipper having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

88. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 624. Sample No. 63951-D.)

On September 11, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 29 bushels of apples at St. Louis, Mo., alleging that the article had been transported in interstate commerce on or about August 24, 1939, by George Lorschach from Hardin, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

89. Adulteration of apples. U. S. v. 61 Bushel and 8 Half-Bushel Baskets of Apples. Default decree of condemnation and destruction. (F. D. C. No. 807. Sample No. 53488-D.)

On or about September 12, 1939, the United States attorney for the Western District of Oklahoma filed a libel against the above quantities of apples at Oklahoma City, Okla., alleging that they had been shipped in interstate commerce by Ed Wright of Oklahoma City, Okla., from Lincoln, Ark., on or about September 6, 1939; and that they were adulterated in that they contained lead spray residue, an added poisonous ingredient, which might have rendered them injurious to health.

On September 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

90. Adulteration of apples. U. S. v. 16 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 863. Sample No. 67015-D.)

On or about October 21, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 16 bushels of apples at Oklahoma City, Okla., alleging that the article had been transported in interstate commerce on or about October 16, 1939, from Troy, Kans., by motortruck owned and driven by Sidney Morrow; and charging that it was adulterated in that it contained lead spray residue, an added poisonous ingredient, which might have rendered it injurious to health.

On October 21, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

91. Adulteration of apples. U. S. v. 220 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 672. Sample No. 81916-D.)

On September 13, 1939, the United States attorney for the Eastern District of Oklahoma filed a libel praying seizure and condemnation of 220 bushels of apples at Muskogee, Okla., alleging that the article had been shipped and transported in interstate commerce on or about September 11, 1939, by H. L. Stafford of Muskogee, Okla., from Marionville, Mo.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 13, 1939, the owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was destroyed.

92. Adulteration of apples. U. S. v. 140 Bushels of Apples. Decree of condemnation. Product ordered released under bond to be washed and cleaned. (F. D. C. No. 830. Sample No. 61088-D.)

On September 15, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 140 bushels of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by Grodgen & Hazel from Springdale, Ark.; and charging that it was adulterated in that it bore a poisonous or deleterious substance, lead arsenate, which might have rendered it injurious to health.

On September 22, 1939, Kohlman Bros. & Sugarman, New Orleans, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be washed and cleaned and freed of any lead arsenate.

93. Adulteration of apples. U. S. v. 26 Bushels of Apples. Default decrees of condemnation and destruction. (F. D. C. No. 638. Sample No. 70026-D.)

On September 20, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 26 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18, 1939, by Preston T. Roberts from Moorestown, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On October 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

94. Adulteration of apples. U. S. v. 265 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 674. Sample Nos. 57959-D, 57960-D.)

On September 21, 1939, the United States attorney for the Southern District of California filed a libel against 265 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce by F. H. Hogue from Emmett, Idaho, on or about September 15, 1939; and that it was adulterated in that it contained a poisonous or deleterious substance.

On November 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

95. Adulteration of apples. U. S. v. 40 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 862. Sample No. 63670-D.)

On September 22, 1939, the United States attorney for the Eastern District of Oklahoma filed a libel against 40 bushels of apples at Weleetka, Okla., alleging that the article had been shipped in interstate commerce on or about September 20, 1939, by Ralph Waggoner of Weleetka, Okla., from Springdale, Ark.; and

charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 22, 1939, the owner and shipper having consented, judgment of condemnation was entered and the product was ordered destroyed.

96. Adulteration of apples. U. S. v. 60 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 864. Sample No. 82294-D.)

On September 26, 1939, the United States attorney for the Eastern District of Oklahoma filed a libel against 60 bushels of apples at McAlester, Okla., alleging that the article had been shipped in interstate commerce on or about September 20, 1939, by W. C. Edwards of McAlester, Okla., from Monett, Mo.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 27, 1939, the owner and shipper having consented, judgment of condemnation was entered and the product was ordered destroyed.

97. Adulteration of apples. U. S. v. 85 Bushels of Apples. Decree of condemnation and destruction. (F. D. C. No. 683. Sample No. 82311-D.)

On September 26, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 85 bushels of apples at Oklahoma City, Okla., alleging that the article had been transported in interstate commerce on or about September 22, 1939, from Springdale, Ark., by motortruck owned and driven by Sam H. Brown of Oklahoma City, Okla.; and charging that it was adulterated in that it contained lead spray residue, an added poisonous ingredient, which might have rendered it injurious to health.

On September 26, 1939, Sam H. Brown having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

98. Adulteration of apples. U. S. v. 58 Bushels of Apples. Default decrees of condemnation and destruction. (F. D. C. No. 673. Sample Nos. 51958-D, 51959-D.)

On September 28, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 58 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Lewis Mood Orchards from Monroeville, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On October 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

99. Adulteration of apples. U. S. v. 90 Baskets and 3 Baskets of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 831. Sample Nos. 82945-D, 82946-D.)

On October 2, 1939, the United States attorney for the Northern District of Alabama filed a libel against 93 baskets of apples at Birmingham, Ala., alleging that the article had been shipped in interstate commerce by Polk Bros., of Birmingham, Ala., in their own motortruck, from Menlo, Ga., on or about September 28, 1939; and that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 7, 1939, the owner having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

100. Adulteration of apples. U. S. v. 106 Five-eighths Baskets of Apples. Default decree of condemnation and destruction. (F. D. C. No. 726. Sample No. 70060-D.)

On October 5, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 106 five-eighths baskets of apples at Philadelphia, Pa., alleging that the article had been transported in interstate commerce on or about October 4, 1939, by Howard J. Holtz from Marlton, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On October 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

101. Adulteration of apples. U. S. v. 227 Bushels of Apples. Consent decree of condemnation. Product released to be reconditioned by washing. (F. D. C. No. 781. Sample No. 57846-D.)

On October 7, 1939, the United States attorney for the Southern District of California filed a libel against 227 bushels of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 1, 1939, by Max Perkins from Farmington, N. Mex.; and charging that it was adulterated in that it contained a poisonous or deleterious substance.

On October 7, 1939, Max Perkins, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released, upon deposit of costs, to be reconditioned by washing under the supervision of this Department.

102. Adulteration of apples. U. S. v. 160 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 965. Sample No. 47033-D.)

On October 20, 1939, the United States attorney for the Northern District of Illinois filed a libel against 160 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Larman & Schwartz from Bridgman, Mich., on or about October 16, 1939; and that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

103. Adulteration of crab apples. U. S. v. 14 Bushels and 7 Bushels of Crab Apples. Default decrees of condemnation and destruction. (F. D. C. Nos. 640, 696. Sample Nos. 46449-D, 46468-D.)

On September 12 and 15, 1939, the United States attorney for the Northern District of Illinois filed libels against 21 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Saugatuck Fruit Exchange from Saugatuck, Mich., on or about August 30, 1939; and that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CABBAGE

104. Adulteration of cabbage. U. S. v. 5 Tons of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 819. Sample No. 76857-D.)

On October 23, 1939, the United States attorney for the District of Maryland filed a libel against 5 tons of cabbage at Baltimore, Md., alleging that the article had been shipped in interstate commerce from Weeksville, N. C., on or about October 20, 1939, in truck owned by Louis Spinnato of Baltimore, Md., and driven by Louis Spinnato and Leroy Ruark; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, arsenic.

On October 24, 1939, Louis Spinnato having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

CAULIFLOWER

105. Adulteration of cauliflower. U. S. v. 49 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 809. Sample No. 70202-D.)

On October 18, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 49 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by Joseph W. Visinski from Dayton, N. J., on or about October 17, 1939; and that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

106. Adulteration of cauliflower. U. S. v. 30 Crates of Cauliflower (and 2 other seizure actions against cauliflower). Default decree of condemnation and destruction. (F. D. C. Nos. 808, 818, 847. Sample Nos. 70100-D, 70217-D, 70227-D.)

On October 18, 21, and 26, 1939, the United States attorney for the Eastern District of Pennsylvania filed libels against 3 lots of cauliflower, totaling 44

crates, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce by Frank Korleski from Jamesburg, N. J., on or about October 17, 20, and 25, 1939; and that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 6 and 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CURRENTS

107. Adulteration of currants. U. S. v. 9 Crates of Currants. Consent decree of condemnation and destruction. (F. D. C. No. 481. Sample No. 55662-D.)

On August 2, 1939, the United States attorney for the Northern District of Illinois filed a libel against nine crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 26, 1939, by M. E. Gray from Manistee, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 3, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

108. Adulteration of currants. U. S. v. 5 Crates and 6 Crates of Currants. Default decrees of condemnation and destruction. (F. D. C. Nos. 533, 535. Sample Nos. 55669-D, 55693-D.)

On August 10, 1939, the United States attorney for the Northern District of Illinois filed libels against 11 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 30 and August 3, 1939, by Elmer Morse from Shelby, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 7, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

109. Adulteration of currants. U. S. v. 2 Crates of Currants. Default decree of condemnation and destruction. (F. D. C. No. 397. Sample No. 55278-D.)

On July 26, 1939, the United States attorney for the Northern District of Illinois filed a libel against two crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1939, by Lloyd Broder from Ludington, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On September 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

QUINCES

110. Adulteration of quinces. U. S. v. 35 Bushels of Quinces. Consent decree of condemnation and destruction. (F. D. C. No. 784. Sample No. 80936-D.)

On October 11, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 35 bushels of quinces at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 6, 1939, by American Fruit Growers, Inc., from Lockport, N. Y.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health. It was labeled in part: "Tip Top Brand Quince."

On October 16, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

FRESH BLUEBERRIES AND BLACKBERRIES

Nos. 111 to 119, inclusive, report the seizure and disposition of blueberries and huckleberries which contained maggots.

111. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries (and 4 other seizure actions against same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 490, 491, 492, 502, 620. Sample Nos. 46259-D, 46260-D, 46261-D, 46270-D, 46417-D.)

On August 23 and September 8, 1939, the United States attorney for the Northern District of Illinois filed libels against 22 crates of blueberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about August 14 to on or about August 18, 1939, by various

shippers as follows: Spring Mountain Blueberry Association, McAdoo, Pa.; W. M. Ransom, Dowagiac, Mich.; J. C. Jones, Waldoboro, Maine; Bullard & Kozelink, Hartford, Mich.; Fannie Morse, Cherryfield, Maine; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 10 and 25, and November 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

112. Adulteration of blueberries. U. S. v. 889 Boxes of Blueberries. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 744. Sample No. 51486-D.)

On October 7, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 889 boxes of blueberries at Philadelphia, Pa., alleging that the article had been transported on or about September 27, 1939, from St. John, N. B., Canada, by A. B. Hawkins; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 10, 1939, Moore Food Sales Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed.

113. Adulteration of blueberries. U. S. v. 47 Cases of Blueberries (and 11 other similar seizure actions). Default decrees of condemnation and destruction. (F. D. C. Nos. 391, 482 to 489, incl., 499, 508, 555. Sample Nos. 67538-D, 67762-D, 67763-D, 67850-D, 67921-D to 67925-D, incl., 67927-D, 67928-D, 67930-D, 68382-D.)

Between August 14 and August 28, 1939, the United States attorney for the Southern District of New York filed libels against 243 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from about August 10 to about August 24, 1939, in various lots and by various shippers as follows: J. A. Kanieski, Blandford, Mass.; Gus Kukenbaker, Long Pond, Pa.; J. Fatula, Pottsville, Pa.; W. A. Hill, Machias, Maine; John Shimko, Tobyhanna, Pa.; E. Shimko, Tobyhanna, Pa.; Kostick Bros., Beaver Meadows, Pa.; S. Grossinger, Dushore, Pa.; Francis Estlow, Chatsworth, N. J.; Mrs. A. Puluka, Tobyhanna, Pa.; Joe Festa, Carbondale, Pa.; Arthur Laurilla, Waldoboro, Maine.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 30 and September 8 and 11, 1939, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

114. Adulteration of blueberries. U. S. v. 84 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 465. Sample No. 67761-D.)

On August 19, 1939, the United States attorney for the District of Connecticut filed a libel (amended September 7, 1939) against 84 crates of blueberries at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by M. Bohorad from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

115. Adulteration of blueberries. U. S. v. 52 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 373. Sample No. 69435-D.)

On August 9, 1939, the United States attorney for the District of Massachusetts filed a libel against 52 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 4, 1939, by Vincent Lanza from Elwood, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

116. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 392. Sample No. 52638-D.)

On August 12, 1939, the United States attorney for the Western District of New York filed a libel against five crates of blueberries at Buffalo, N. Y., alleging

that the article had been shipped in interstate commerce on or about August 5, 1939, by Kurt Bros. from Mount Carmel, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Penna Mountains Fancy Blueberries."

On September 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

117. Adulteration of huckleberries and blueberries. U. S. v. 40 Crates of Huckleberries (and 4 similar seizure actions). Default decrees of condemnation and destruction. (F. D. C. Nos. 724, 730, 731, 745, 746. Sample Nos. 47765-D, 78515-D, 78517-D, 78518-D, 78520-D.)

On October 12 and 13, 1939, the United States attorney for the District of Columbia filed libels against 106 crates of huckleberries and 20 crates of blueberries at Washington, D. C., alleging that the articles had been destined for consumption in bakery products in the District of Columbia and remained unsold and in the original packages in possession of the Terminal Refrigerating & Warehousing Corporation; and charging adulteration in that they consisted in whole or in part of a filthy substance.

On November 3, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

118. Adulteration of huckleberries. U. S. v. 31 and 33 12-Quart Baskets of Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 330, 368. Sample Nos. 52444-D, 52452-D.)

On July 31 and August 8, 1939, the United States attorney for the Western District of Pennsylvania filed libels against 64 baskets of huckleberries at Pittsburgh, Pa., alleging that 31 baskets had been shipped in interstate commerce on or about July 27, 1939, by James Keyser from Rileyville, Va., and that 34 baskets had been shipped on or about August 2, 1939, by Grove Hill Supply Co. from Shenandoah, Va.; and charging that the article was adulterated in that it consisted wholly or in part of a filthy substance.

On August 22 and September 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

119. Adulteration of huckleberries. U. S. v. 3 Crates of Huckleberries (and 19 other seizure actions against huckleberries and blueberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 371, 374, 375, 376, 377, 428, 431, 432, 433, 435, 436, 437, 456, 457, 458, 500, 501, 504, 510, 641. Sample Nos. 69731-D, 69737-D to 69741-D, incl., 69746-D, 69747-D, 69748-D, 69750-D to 69755-D, incl., 69758-D, 69759-D, 69763-D, 69765-D, 69767-D, 69769-D, 69770-D, 69772-D, 69773-D.)

Between August 9 and August 18, 1939, the United States attorney for the Eastern District of Pennsylvania filed libels against 256½ crates, 893 quarts, and 8 pints of huckleberries and blueberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from August 1 to August 13, 1939, in various lots and by various shippers as follows: Mrs. U. W. G. Godfrey, Salisbury, Md.; Ross Wescott, Hammonton, N. J.; Wm. Peyrel, Atco, N. J.; George Offenberger, Atco, N. J.; Charles Mauroni, Atco, N. J.; Nina Peta, Gibbstown, N. J.; R. M. Allen, New Gretna, N. J.; G. Jones, Berlin, N. J.; L. A. Wolfe, Hammonton, N. J.; Eugene Sudler, Hartly, Del.; M. Levaty, Atco, N. J.; I. Anderson, Atco, N. J.; A. Shoemaker, Atco, N. J.; Frank Reynolds, Whiting, N. J.; Harvey Leek, Parkertown, N. J.; H. M. Marine, Rhodesdale, Md.; Harry Marine, Hurlock, Md.; and charging that they were adulterated.

Adulteration was alleged in that the articles consisted in whole or in part of a filthy substance or of a filthy, decomposed, or putrid substance.

On August 26 and September 8, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

120. Adulteration of canned cut green beans, canned pork and beans, and canned peas. U. S. v. 600 Cases of Cut Green Beans, 244 Cases of Pork and Beans, and 525 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. Nos. 382, 383, 384. Sample Nos. 54835-D, 54836-D, 54938-D, 54939-D, 54940-D.)

These products were in whole or in part decomposed.

On August 18, 1939, the United States attorney for the Northern District of Illinois filed a libel (amended September 7, 1939) against the above lots of canned goods at Chicago, Ill., alleging that the articles had been shipped in interstate commerce by Underwriters Salvage Co. from Superior, Wis., on or about

June 21, 1939, and by Outlet Sales Co. from Superior, Wis., on or about June 22 and 23, 1939; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances.

On October 25, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

121. Adulteration of canned blueberries. U. S. v. 223 Cases of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 567. Sample No. 54937-D.)

This product had been imported. At the time of examination it was found to be undergoing decomposition. The inside of the cans was corroded and the product had an unpleasant metallic, sour, or astringent taste.

On September 12, 1939, the United States attorney for the Northern District of Illinois filed a libel against 223 cases of canned blueberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 27 and November 9, 1938, by A. & R. Loggie Co., Ltd., from Loggieville, New Brunswick, Canada; and charging that it was adulterated. It was labeled in part: "Eagle Brand Standard Quality Blueberries without sugar."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food.

On October 25, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

122. Adulteration of canned mushrooms. U. S. v. 15 Cases of Canned Mushrooms. Default decree of condemnation and destruction. (F. D. C. No. 245. Sample No. 52435-D.)

This product was in whole or in part decomposed.

On June 29, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 15 cases of canned mushrooms at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 11, 1939, by Mid-West Mushroom Co. from Kansas City, Mo.; and charging that it was adulterated. It was labeled in part: "Special Hotel Mushrooms Stems and Pieces."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On July 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

123. Adulteration of canned sweetpotatoes. U. S. v. 180 Cases of Canned Sweetpotatoes. Default decree of condemnation and destruction. (F. D. C. No. 305. Sample No. 65470-D.)

This product was in whole or in part decomposed.

On July 25, 1939, the United States attorney for the Southern District of Ohio filed a libel against 180 cases of canned sweetpotatoes at Cincinnati, Ohio, alleging that the article had been transported in interstate commerce on or about July 6, 1939, by Bell & Co., of Cincinnati, Ohio, in their own truck from Chicago, Ill.; and charging that it was adulterated. The article was labeled in part: "Diamond Island Brand Sweet Potatoes * * * Distributed by Outlet Sales Co., Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

124. Adulteration of black figs. U. S. v. 10 Cases of Black Figs. Default decree of condemnation and destruction. (F. D. C. No. 289. Sample No. 65464-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On July 13, 1939, the United States attorney for the Southern District of Ohio filed a libel against 10 cases of black figs at Cincinnati, Ohio, alleging that the article had been transported on or about March 24, 1939, by Bell & Co., of Cincinnati, Ohio, in their own truck, from Chicago, Ill.; and charging that it was adulterated. The article was labeled in part: "Black Figs Blue Ribbon Brand Choice * * * Packed by California Fig Growers & Packers, Inc., Fresno, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

125. Adulteration of prunes. U. S. v. 26 Boxes of Prunes. Default decree of condemnation and destruction. (F. & D. C. No. 339. Sample No. 41350-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On August 1, 1939, the United States attorney for the District of Idaho filed a libel against 26 boxes of prunes at Downey, Idaho, alleging that the article had been shipped on or about March 21, 1938, from San Jose, Calif., by California Prune & Apricot Growers Association; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "California Fruits Golden Glow Brand Prunes."

On August 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT AND VEGETABLE PRODUCTS

126. Adulteration of applesauce. U. S. v. 7 Cases of Applesauce. Consent decree of condemnation and destruction. (F. D. C. No. 702. Sample No. 75235-D.)

This product was undergoing decomposition and was otherwise unfit for food because of its unpleasant metallic taste.

On October 10, 1939, the United States attorney for the Northern District of Illinois filed a libel against seven cases of applesauce at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Bell & Co. from Cincinnati, Ohio, on or about September 13, 1939; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. This was a return shipment of goods originally transported by Bell & Co. truck from the Outlet Sales Co., Chicago, to Cincinnati on August 20, 1939. It was labeled in part: "Lum Apple Sauce * * * Packed By the Lum Packing Co., Inc., Chambersburg, Pa."

On November 8, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

127. Adulteration of canned tomato soup. U. S. v. 200 Cases of Condensed Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 300. Sample No. 43801-D.)

This product was in whole or in part decomposed.

On July 18, 1939, the United States attorney for the Northern District of California filed a libel against 200 cases of tomato soup at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 28, 1938, by the Campbell Soup Co. from Chicago, Ill.; and that it was adulterated. The article was labeled in part: "Campbell's Condensed Tomato Soup."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On July 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS

IMITATION BOLOGNA

128. Adulteration of imitation bologna. U. S. v. 70 Pounds of Imitation Bologna. Default decree of condemnation and destruction. (F. D. C. No. 643. Sample No. 66693-D.)

This product contained added ground glass, which might have rendered it injurious to health.

On September 26, 1939, the United States attorney for the Northern District of Oklahoma filed a libel against 70 pounds of imitation bologna at Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about September 6, 1939, by John Morrell & Co. from Topeka, Kans.; and charging that it was adulterated. The article was labeled in part: "4X Brand Imitation."

It was alleged to be adulterated in that it bore or contained added ground glass, which might have rendered it injurious to health.

On October 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

POULTRY

129. Adulteration of poultry. U. S. v. 7 Barrels and 10 Barrels of Poultry. Consent decree of condemnation. Product released under bond for salvaging. (F. D. C. Nos. 361, 362. Sample Nos. 54833-D, 54834-D.)

Examination showed that water had been injected into this poultry.

On August 12, 1939, the United States attorney for the Northern District of Illinois filed a libel against 17 barrels of poultry at Chicago, Ill., alleging that the article had been shipped on or about June 10 and December 1, 1938, by Dick's Poultry Co. from Colfax, Iowa; and charging that it was adulterated in that water had been substituted wholly or in part for it and in that water had been added to it so as to increase its bulk or weight.

On September 27, 1939, the Campbell Soup Co. (Central Division), Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of this Department.

130. Adulteration of frozen geese. U. S. v. 6 Barrels of Frozen Geese. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 642. Sample No. 68198-D.)

This product contained added water which had been introduced into the carcasses of the fowls.

On September 28, 1939, the United States attorney for the Southern District of New York filed a libel against six barrels of frozen geese at New York, N. Y., alleging that the article had been shipped in interstate commerce by Iowa Produce Co. (Clair Limbeck), from Dubuque, Iowa, on or about December 24, 1938; and charging that it was adulterated in that water had been substituted in whole or in part for it and had been added to it so as to increase its bulk or weight.

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, for consumption and not for sale.

DOG AND CAT FOOD

131. Adulteration and misbranding of dog and cat food. U. S. v. 27 Cases and 47 Cases of Dog and Cat Food. Default decrees of condemnation and destruction. (F. D. C. Nos. 308, 309. Sample Nos. 66652-D, 66653-D.)

This product was labeled to indicate that it contained, among other ingredients, significant amounts of meat, meat byproducts, and carrots; whereas it contained very small amounts of these products.

On or about August 18, 1939, the United States attorney for the Western District of Missouri filed a libel against 74 cases of dog and cat food at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 1, 1939, by the National Coast Products Corporation, a subsidiary of the E. F. Hurff Co., from Swedesboro, N. J.; and that it was adulterated and misbranded. The article was labeled in part: "Champy Dog and Cat Food, Contents Meat, Meat By-products, Bran, Barley, Soya Meal, Salt, Charcoal, Carrots, Cod Liver Oil."

Adulteration was alleged in that valuable constituents, meat, meat byproducts, and carrots had been wholly or in part omitted from the article; and in that water had been added thereto, or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

It was alleged to be misbranded in that the representations in the labeling that it contained meat, meat byproducts, and carrots were false and misleading.

On September 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

NUT PRODUCTS

PEANUT BUTTER

132. Adulteration of peanut butter. U. S. v. 70 Cases of Peanut Butter (and 8 other seizure actions against peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 244, 293, 327, 328, 360, 369, 476, 523, 524. Sample Nos. 60931-D, 65700-D, 66025-D, 66026-D, 66154-D, 66184-D, 66194-D, 66207-D, 66208-D, 66311-D.)

Samples of this product were found to contain rodent hairs, rodent pellets, insect fragments, sand, and dirt.

Between June 30 and August 31, 1939, the United States attorneys for the Middle and Northern Districts of Georgia, the Southern District of Florida, and the Eastern District of Louisiana filed libels against 76 cases of peanut butter at Tifton, Ga., 110 cases at Atlanta, Ga., 143 cases at Jacksonville, Fla., and 28 cases of the same product at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about November 1, 1938, to about July 1, 1939, by J. D. Johnston, Jr., Co., from Brundidge, Ala.; and charging that it was adulterated. The article was labeled in part: "Johnston's Peanut Butter * * * Packed By J. D. Johnston Jr. Co." or "Sunrayed Brand Peanut Butter * * * Packed by Southern Foods Brundidge, Ala."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

Between July 22 and October 20, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

133. Adulteration of peanut butter. U. S. v. 15 Cases and 39 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 409, 627. Sample Nos. 13733-D, 45598-D.)

Samples of one shipment of this product were found to contain insect fragments, sand, soil particles, and fragments of moldy plant tissue and of foreign plant tissue; samples from the other shipment were found to contain rodent hairs, excreta, and insect fragments.

On August 18 and September 22, 1939, the United States attorneys for the Southern District of Georgia and the Western District of North Carolina filed libels against 15 cases of peanut butter at Savannah, Ga., and 39 cases of peanut butter at Hickory, N. C., alleging that the article had been shipped in interstate commerce on or about July 1 and 29, 1939, by the Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated. The article was labeled in part: "Goldcraft Peanut Butter."

Adulteration was alleged in that it consisted in whole or in part of a filthy substance.

On September 11 and October 27, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

134. Adulteration of peanut butter. U. S. v. 34 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 539. Sample No. 51696-D.)

Samples of this product were found to contain insect fragments, rodent hairs, and pellet fragments, and dirt.

On September 1, 1939, the United States attorney for the District of New Jersey filed a libel against 34 cases of peanut butter at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about July 25, 1939, by Chase Sales Co., of Philadelphia, Pa., from Norfolk, Va.; and charging that it was adulterated. The article was labeled in part: "Our Diamond Brand Peanut Butter * * * Packed By Old Reliable Peanut Company Suffolk, Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On October 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

135. Adulteration of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 495. Sample No. 60930-D.)

This product contained dirt, sand, and small metal fragments.

On August 24, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against eight cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce by the Mississippi Peanut Co. from Jackson, Miss., on or about May 24, 1939; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part: "Ole Miss Number One Peanut Butter."

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SACCHARINE PRODUCTS

CANDY

136. Misbranding of chocolate candy. U. S. v. 48 Boxes and 45 Boxes of Chocolates. Default decrees of condemnation. Product ordered delivered to charitable institutions. (F. D. C. Nos. 323, 324. Sample Nos. 52613-D, 52614-D, 52761-D, 52762-D.)

The containers of this candy were deceptive because they had false bottoms and because the second layer was packed with a cardboard device in such manner as to contain fewer pieces of candy than would be the case if the device were not used, e. g., the top layer of the first box sampled contained 22 pieces and the bottom layer contained only 12 pieces. There was some variation in count in the boxes sampled.

On July 28, 1939, the United States attorney for the Western District of New York filed two libels (amended August 1, 1939) praying seizure and condemnation of 93 boxes of chocolates at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 7, 1939, by Liberty Chocolate Co. from Boston, Mass.; and that it was misbranded. The article was labeled in part: "Netcraft Special Assortment"; or "Lady Blue Chocolates."

It was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading.

On August 30, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

Nos. 137 to 146, inclusive, of this publication report the seizure and disposition of candy that was in interstate commerce and was found to be insect-infested at the time of examination.

137. Adulteration of candy. U. S. v. 28 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 259. Sample No. 62458-D.)

On July 10, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 28 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 1, 1939, by I. Marchiony, Inc., from Newark, N. J.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Marchiony's Coconut Slabs."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

138. Adulteration of candy. U. S. v. 15 Boxes and 21 Cartons of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 282, 283. Sample Nos. 66156-D, 66157-D.)

On July 11, 1939, the United States attorney for the Middle District of Georgia filed a libel against 15 boxes and 21 cartons of candy at Macon, Ga., alleging that the article had been shipped in interstate commerce on or about September 9, 1938, and April 5, 1939, by the Paul F. Beich Co. from Chicago and Bloomington, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Beich Dipsy Doodle Pecan Cashew Roll"; or "Beich Whiz."

On August 26, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

139. Adulteration of candy. U. S. v. 31 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 315. Sample No. 60922-D.)

On July 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 31 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 9, 1939, by Blumenthal Bros. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Chocolate Snaps with peanuts."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

140. Adulteration of candy. U. S. v. 31 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 316. Sample No. 60923-D.)

On July 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 31 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January

30, 1939, by Ambrosia Chocolate Co. from Milwaukee, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Ambrosia One Cent Chocolate Cigars with Ground Nuts."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

141. Adulteration of candy. U. S. v. 18 Boxes and 10 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 325, 326. Sample Nos. 61001-D, 61002-D.)

On July 29, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 28 boxes of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 28 and May 18, 1939, by Hollywood Candy Co. from Centralia, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Red Sails Candy Divinity Chocolate Nougat Pecans and Choice Milk Chocolate"; or "Zero The Original Malted Milk Coated Candy Bar."

On October 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

142. Adulteration of candy. U. S. v. 36 Cartons and 62 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 335, 493. Sample Nos. 62597-D, 69604-D.)

On August 1 and 23, 1939, the United States attorneys for the District of Columbia and the Southern District of Texas filed libels against 36 cartons of candy at Washington, D. C., and 62 boxes of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 9 and June 16, 1939, by the Schutter Candy Co. from Brooklyn, N. Y., and Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Schutter's Bit-O-Honey Sugar Toasted Almonds"; or "Schutters Golden Harvest."

On August 24 and September 27, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

143. Adulteration of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 388. Sample No. 63131-D.)

On or about August 12, 1939, the United States attorney for the Southern District of Texas filed a libel against 25 boxes of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 14, 1939, from Reading, Pa., by Luden's, Inc.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "5th Avenue Penny Bar."

On September 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

144. Adulteration of candy. U. S. v. 28 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 475. Sample No. 63130-D.)

On or about August 24, 1939, the United States attorney for the Southern District of Texas filed a libel against 28 cartons of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 5, 1938, by the Chicago Candy Association from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bunte Chicago Tangos."

On September 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

145. Adulteration of candy. U. S. v. 31 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 568. Sample No. 62600-D.)

On September 7, 1939, the United States attorney for the Southern District of Texas filed a libel against 31 cartons of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 8, 1938, and March 2, 1939, by Pelican State Candy Co. from New Orleans, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Pelican Brand Candies * * * Hollywood Squares."

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

146. Adulteration of candy. U. S. v. 38 Boxes of Chase's Candy. Default decree of condemnation and destruction. (F. D. C. No. 581. Sample No. 62599-D.)

On or about September 11, 1939, the United States attorney for the Southern District of Texas filed a libel against 38 boxes of candy at Houston, Tex., alleging that the article had been shipped on or about February 9, 1939, by Chase Candy Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Chase's 1¢ Cherry Mash Bar."

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MAPLE SIRUP

147. Adulteration and misbranding of maple sirup. U. S. v. 18 Gallon Cans of Maple Sirup. Default decree of condemnation and destruction. (F. D. C. No. 271. Sample No. 52089-D.)

This product, which was represented to be pure maple sirup, was found to consist chiefly of sugar sirup with little or no maple present.

On July 7, 1939, the United States attorney for the Western District of New York filed a libel against 18 gallon cans of maple sirup at Olean, N. Y., alleging that the article had been shipped in interstate commerce on or about April 10, 1939, by Frank Brooks from Corry, Pa.; and charging that it was adulterated and misbranded. The article was labeled: (Sticker) "Pure Maple Syrup 1st Run 1939 H. Lawson, Corry, Pa."

It was alleged to be adulterated in that an imitation maple sirup had been substituted wholly or in part for pure maple sirup, and in that it was mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label that it was pure maple sirup was false and misleading; and in that it was an imitation of another article and was offered for sale under the name of another article.

On August 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

RAW SUGAR

148. Adulteration of raw sugar. U. S. v. 947 Bags of Raw Sugar. Decree of condemnation. Product released under bond. (F. D. C. No. 633. Sample No. 56680-D.)

This product had been shipped in interstate commerce. At the time of examination and while in interstate commerce, it was found to be contaminated with petroleum oil and to be wet and water-soaked. A large part contained a substantial amount of extraneous matter, mostly sawdust and wood chips.

On September 21, 1939, the United States attorney for the Northern District of California filed a libel against 947 bags, each containing 100 pounds of raw sugar, alleging that the article had been shipped from Lihue, T. H., by American Factors, Ltd.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On September 27, 1939, Nick Manno, San Francisco, Calif., having appeared as claimant and the case having been submitted to the court on the libel and the claimant's answer, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law. It was reconditioned by manually removing all filthy and contaminated portions and destroying them.

SPICES

CELERY SEED

149. Misbranding of celery seed. U. S. v. 93 Dozen Packages of Choice Celery Seed. Default decree of condemnation and destruction. (F. D. C. No. 370. Sample No. 47905-D.)

The containers of this product were filled to only one-third of their capacity.

On August 9, 1939, the United States attorney for the District of Maryland filed a libel against 93 dozen packages of celery seed at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 20 and 21, 1939, by Hudson Tea & Spice Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading.

On August 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

GELATIN DESSERT POWDER

150. Adulteration of gelatin dessert powder. U. S. v. 6,000 Pounds of Jell-O Products. Default decree of condemnation and destruction. (F. D. C. No. 452. Sample No. 56927-D.)

This product at the time of examination and while in interstate commerce, was found to be fire- and water-damaged and moldy. It consisted of a portion of the stock involved in a warehouse fire at Spokane, Wash.

On August 18, 1939, the United States attorney for the District of Idaho filed a libel against 6,000 pounds of Jell-O at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about July 20, 1939, by W. M. Jackson from Spokane, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance or was otherwise unfit for food, and in that it had been held under unsanitary conditions whereby it might have become contaminated with filth.

On September 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

151-325

FOODS

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

Washington, D. C., March 23, 1940.

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BEVERAGES AND BEVERAGE MATERIALS

151. Adulteration of lemon juice. U. S. v. 12 Cases of Lemon Juice. Default decree of condemnation and destruction. (F. D. C. No. 526. Sample No. 65475-D.)

This product was undergoing chemical decomposition and was unfit for food because of its metallic taste.

On August 30, 1939, the United States attorney for the Southern District of Ohio filed a libel (amended September 15, 1939) against 12 cases of lemon juice at Cincinnati, Ohio, consigned on or about July 5, 1939, alleging that the article had been transported in interstate commerce by Bell & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. The article was labeled in part: (Cans) "Val Vita Brand Natural California Lemon Juice Packed by Val Vita Food Products Inc. Fullerton California."

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

152. Misbranding of tea. U. S. v. 15 Cartons of Tea. Default decree of condemnation. Product distributed to public or charitable institutions. (F. D. C. No. 1079. Sample No. 74097-D.)

This product was found to be short of the declared weight; and it occupied only about 66 percent of the capacity of the package.

On November 28, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 cartons, each containing 36 packages of tea, at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by Dwinell-Wright Co. from Boston, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement on the label, "3 Oz. Net," was false and misleading as applied to an article that was short in

weight; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 22, 1939, no claimant having appeared, judgment of condemnation and destruction was entered. On January 4, 1940, the order of destruction was revoked and an amended decree was entered directing that the product be distributed to public or charitable institutions.

153. Adulteration of Messina Effervescente Granulare. U. S. v. 23 Cases of Messina Effervescente Granulare. Default decree of condemnation and destruction. (F. D. C. No. 828. Sample No. 51950-D.)

This product contained an added poisonous or deleterious substance, namely, borax.

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 23 cases of Messina Effervescente Granulare at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 28 and August 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was adulterated.

The article was alleged to be adulterated under the provisions of the law applicable to foods in that it contained an added poisonous or deleterious substance, namely, borax, which is unsafe within the meaning of the law.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs, reported in D. D. N. J. No. 92.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR AND OTHER MILL PRODUCTS

Nos. 154 to 191, inclusive, of this publication report the seizure and disposition of flour and other mill products which were in interstate commerce at the time of examination and were found to be insect-infested at that time.

154. Adulteration of flour. U. S. v. 196 Bags and 30 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 540, 541. Sample Nos. 63073-D, 63075-D.)

On September 2, 1939, the United States attorney for the Middle District of Alabama filed a libel against 226 bags of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Special Bakers Patent Utility Flour"; or "Kansas Sun Flour."

On October 9, 1939, Capital Grain & Feed Co., Montgomery, Ala., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be rendered incapable of human consumption but that it might be manufactured into feed-stuff for livestock.

155. Adulteration of flour. U. S. v. 85 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 538. Sample No. 63072-D.)

On or about August 31, 1939, the United States attorney for the Middle District of Alabama filed a libel against 85 sacks of flour at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about June 22 and July 10, 1939, by Pillsbury Flour Mills Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Pillsbury's Magneto Flour Bleached."

On October 9, 1939, Schloss & Kahn Grocery Co., Montgomery, Ala., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of as feed for livestock.

156. Adulteration of flour. U. S. v. 40 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 669. Sample No. 61089-D.)

On October 2, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 40 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about April 21,

1939, by Pillsbury Flour Mills Co., of Astoria, Oreg., from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Pillsbury's White Comet Flour."

On November 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

157. Adulteration of flour. U. S. v. 6 Bags and 12 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 740. Sample No. 47849-D.)

On October 16, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 18 bags of flour at Emporia, Va., alleging that the article had been shipped in interstate commerce on or about May 29 and July 12, 1939, by Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pillsbury's Best XXXX Flour."

On December 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

158. Adulteration of flour. U. S. v. 80 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 853. Sample No. 79071-D.)

On November 1, 1939, the United States attorney for the Middle District of Georgia filed a libel against 80 bags of flour at Athens, Ga., alleging that the article had been shipped on or about December 7, 1938, and January 17, 1939, by Roanoke City Mills, Inc., from Roanoke, Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Light White Superlative Patent Flour."

On December 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

159. Adulteration of flour. U. S. v. 9 Bags and 27 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 719. Sample Nos. 47845-D, 47846-D.)

On October 17, 1939, the United States attorney for the Eastern District of North Carolina filed a libel against 36 bags of flour at Elizabeth City, N. C., alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by A. H. Randall Mill Co. from Tekonsha, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Tekonsha Mills Best Patent Gold Star."

On December 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

160. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 671. Sample No. 61094-D.)

On October 3, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 20 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 5, 1939, by International Milling Co. from Davenport, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. It was labeled in part: "Seal of Minnesota Flour."

On November 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

161. Adulteration of flour. U. S. v. 44 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 900. Sample No. 47864-D.)

On November 13, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 44 sacks of flour at Norfolk, Va., alleging that the article had been shipped on or about September 8, 1939, by D. B. Landy Co., Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

162. Adulteration of flour. U. S. v. 14 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 858. Sample No. 47858-D.)

On November 4, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 14 sacks of flour at Norfolk, Va., alleging that the article had been shipped on or about October 16, 1938, by Red Wing Milling Co. from Red Wing, Minn.; and charging that it was adulterated in that it

consisted in whole or in part of a filthy substance. It was labeled in part: "Golden Cream Flour * * * Manufactured for Fairfax Milling Co., Fairfax, Minn."

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

163. Adulteration of flour. U. S. v. 303 Bags and 10 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 721, 722. Sample Nos. 61052-D, 61053-D.)

On or about October 14, 1939, the United States attorney for the Northern District of Florida filed a libel against 313 bags of flour at Goulding, Fla., alleging that the article had been shipped in interstate commerce on or about September 11 and 21, 1939, by Dixie Portland Flour Co. from Mobile, Ala.; and charging that it was adulterated. The article was labeled in part: "Blue Goose Flour Bleached Packed for Pacific Coast Mills Oregon Washington," or "Bleached My Lady Flour Packed For Higginsville Flour Mill Higginsville, Mo."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On December 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

164. Adulteration of flour. U. S. v. 126 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 735. Sample No. 60886-D.)

On October 13, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 126 bags of flour at Thibodaux, La., alleging that the article had been shipped in interstate commerce on or about September 9, 1939, by the Larabee Flour Mills Co. from Hutchinson, Kans.; and charging adulteration in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Red Ball Brand Flour Manufactured For Consolidated Companies, Inc., Plaquemine, La."

On November 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

165. Adulteration of flour. U. S. v. 27 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 758. Sample No. 60885-D.)

On October 19, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 27 bags of flour at Thibodaux, La., alleging that the article had been shipped in interstate commerce on or about July 26 and 27, 1939, by G. B. R. Smith Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bleached Sunlight Flour."

On December 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

166. Adulteration of flour. U. S. v. 220 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 403. Sample No. 61026-D.)

On August 21, 1939, the United States attorney for the Western District of Louisiana filed a libel against 220 bags of flour at Lafayette, La., alleging that the article had been shipped on or about July 5, 1939, by G. B. R. Smith Milling Co. from Sherman, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bleached Big Four Flour."

On January 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

167. Adulteration of flour. U. S. v. 70 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 762. Sample Nos. 68058-D, 68060-D.)

On October 19, 1939, the United States attorney for the Southern District of New York filed a libel against 70 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by Gross Bros. Flour Co., Inc., from Port Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Security Patent Flour Packed For Gross Bros."

On November 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

168. Adulteration of flour. U. S. v. 140 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 785. Sample No. 61146-D.)

On October 21, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 140 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, by General Mills, Inc., from Oklahoma City, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Gold Loaf Flour Bleached Prudential Milling Co."

On December 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

169. Adulteration of flour. U. S. v. 12 Bundles, each containing 24 Bags; 124 Bags; and 31 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 842. Sample Nos. 58112-D, 58113-D, 58114-D.)

On November 3, 1939, the United States attorney for the District of Arizona filed a libel against 443 bags of flour at Phoenix, Ariz. (consigned by the Sperry Flour Co.), alleging that the article had been shipped in interstate commerce on or about September 9, 1939, from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Washburn's Gold Medal Flour [or "Washburn Crosby"] * * * Manufactured by General Mills, Inc."

On December 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

170. Adulteration of flour. U. S. v. 188 Sacks, et al., of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 852. Sample Nos. 60955-D to 60959-D, incl.)

On or about November 6, 1939, the United States attorney for the Southern District of Texas filed a libel against 1,201 sacks of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 20 and 21 and May 11, 1939, by Majestic Flour Mills from Aurora, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bleached Flour Silver King [or "Harvest Dream"] Milled for Pease-Moore Milling Co., West Plains, Mo."

On December 28, 1939, Lee Barrett, Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured for use as animal feed.

171. Adulteration of flour. U. S. v. 107 Bags and 121 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1065. Sample Nos. 83109-D, 83110-D.)

On November 22, 1939, the United States attorney for the Middle District of Georgia filed a libel against 228 bags of flour at Thomasville, Ga., alleging that the article had been shipped on or about September 16 and October 23, 1939, by Pfeffer Milling Co., from Lebanon, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Fluffy Ruffles * * * Bleached Plain Soft Wheat Flour."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

172. Adulteration of flour. U. S. v. 296 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 446, 447, 448, 449, 450. Sample Nos. 63841-D to 63845-D, incl.)

On or about August 18, 1939, the United States attorney for the Western District of Arkansas filed a libel against 296 sacks of flour at Fort Smith, Ark., consigned by the Blair Milling Co., alleging that the article had been shipped in interstate commerce within the period from on or about March 14 to on or about May 19, 1939, from Atchison, Kans.; and charging that it was adulterated. The article was labeled in part: "Blair's Best [or "Certified" or "Snow White"] Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On December 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

173. Adulteration of flour. U. S. v. 97 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 786. Sample No. 78614-D.)

On October 26, 1939, the United States attorney for the Northern District of West Virginia filed a libel against 97 bags of flour at Charles Town, W. Va., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by C. Eugene Mounts from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Morten Milling Co. * * * Drink Water Hard Wheat Flour."

On November 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

174. Adulteration of flour. U. S. v. 250 Bags and 140 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 738. Sample Nos. 35199-D, 35200-D.)

On October 14, 1939, the United States attorney for the District of Maryland filed a libel against 390 bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 29 and August 17, 1939, by Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Drink Water Hard Wheat Flour."

On November 8, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

175. Adulteration of flour. U. S. v. 161 Bags and 350 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 646, 709. Sample Nos. 68052-D, 68056-D.)

On September 28 and October 11, 1939, the United States attorney for the District of New Jersey filed libels against 511 bags of flour at Port Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 7 and August 12, 1939, by Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Producto A Real High Gluten Flour [or "Extra Quality Montauk Chief High Gluten Fancy Patent"] Twin City Flouring Mills Co., Distributors General Offices New York, N. Y."

On December 20, 1939, David Coleman, Inc., New York, N. Y., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that such portions as were uncontaminated be used for unrestricted human food, and that the contaminated portion be denatured for some nonhuman food use.

176. Adulteration of flour. U. S. v. 315 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 653. Sample No. 68053-D.)

On September 29, 1939, the United States attorney for the District of New Jersey filed a libel against 315 bags of flour at Port Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 1, 1939, by Collin County Milling & Elevator Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Security Genuine High Gluten Patent Flour Packed For Gross Bros."

On December 26, 1939, Gross Bros. Flour Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of for animal feed or for purposes other than human consumption.

177. Adulteration of flour. U. S. v. Seven 98-pound Bags and Forty-four 48-pound Bags of Flour (and 2 other seizure actions against a similar product). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 741, 742, 773. Sample Nos. 47850-D, 47851-D, 47852-D.)

On October 17 and 20, 1939, the United States attorney for the Eastern District of North Carolina filed libels against 181 bags of flour at Zebulon, N. C., alleging that the article had been shipped in interstate commerce within the period from March 30 to June 7, 1939, in various lots and by several shippers as follows: Seven 98-pound bags and forty-four 48-pound bags of flour by Buena Vista Mills from Buena Vista, Va.; 50 bags of flour by Bowersock Mills & Power Co. from Lawrence, Kans.; and forty 98-pound bags and thirty-two 48-pound

bags of flour by Shenandoah Milling Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was variously labeled in part: "Hot Supper Self-Rising Flour"; "Choice-Select Wheat BM Cream Flour"; and "Shenandoah Belle Superlative Patent Winter Wheat Flour."

On November 27, 1939, the Page Supply Co., Inc., Zebulon, N. C., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered ordering release of the product under bond, conditioned that it be denatured and relabeled to show such fact and disposed of for swine feed.

178. Adulteration of self-rising flour. U. S. v. 23 Bags and 39 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 996. Sample Nos. 82972-D, 82973-D.)

On or about December 8, 1939, the United States attorney for the Northern District of Florida filed a libel against a total of 62 bags of flour at De Funiak Springs, Fla., alleging that the article had been shipped in interstate commerce on or about April 20 and July 20, 1939, by Stanard-Tilton Milling Co., from Alton, Ill., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Stanard's Eagle Steam Self-Rising Flour."

On January 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

179. Adulteration of self-rising flour. U. S. v. 24 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1060. Sample No. 83015-D.)

On November 22, 1939, the United States attorney for the Middle District of Georgia filed a libel against 24 bags of flour at Thomasville, Ga., alleging that the article had been shipped on or about July 24, 1939, by Indiana Flour Co., Inc., from Jacksonville, Fla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Atlas Prairie Rose Self Rising Flour * * * Atlas Mills Vincennes, Ind."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

180. Adulteration of self-rising flour. U. S. v. 66 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 727. Sample No. 47847-D.)

On October 14, 1939, the United States attorney for the Eastern District of North Carolina filed a libel against 66 bags of flour at Greenville, N. C., alleging that the article had been shipped in interstate commerce on or about June 27, 1939, by General Mills, Inc., Southeastern Division, from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Honey Girl Self-Rising Flour * * * Kalispell Flour Mills Co. Distributors Ogden, Utah."

On November 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

181. Adulteration of cake or pastry flour. U. S. v. 40 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 866. Sample Nos. 47860-D, 47861-D.)

On November 4, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 40 sacks of flour at Norfolk, Va., alleging that the article had been shipped on or about July 16, 1939, by Crown Mills from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Swan Cake & Pastry Flour"; or "Blue Bird Brand Short Pastry Flour."

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

182. Adulteration of rye flour. U. S. v. 10 Sacks of Rye Flour. Default decree of condemnation and destruction. (F. D. C. No. 1058. Sample No. 83323-D.)

On or about November 24, 1939, the United States attorney for the District of Idaho filed a libel against 10 sacks of rye flour at Lewiston, Idaho, alleging that the article had been shipped on or about June 28, 1939, by Sperry Flour Co. from Spokane, Wash.; and charging that it was adulterated in that it consisted

wholly or in part of a filthy substance. It was labeled in part: "Washburn Crosby Gold Medal * * * Hofmuller Pure Dark Rye Manufactured By Washburn Crosby Company."

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

183. Adulteration of pumpernickel flour. U. S. v. 11 Sacks of Pumpernickel Flour. Default decree of condemnation and destruction. (F. D. C. No. 990. Sample No. 58143-D.)

On or about November 22, 1939, the United States attorney for the District of Arizona filed a libel against 11 sacks of pumpernickel flour at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 9 and October 4, 1939, by the Globe Grain & Milling Co. from Los Angeles, Calif.; and charging that the article was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pillsbury Pumpernickel Flour Pillsbury Flour Mills Co."

On January 10, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

184. Adulteration of ready-mix flour. U. S. v. 9 Cases of Buckwheat, Corn, and Wheat Flour. Default decree of condemnation and destruction. (F. D. C. No. 1129. Sample No. 56453-D.)

On December 6, 1939, the United States attorney for the Northern District of California filed a libel against nine cases, containing 12 sacks each of ready-mix flour, at Stockton, Calif., alleging that the article had been shipped in interstate commerce on or about October 12, 1938, by Quaker Oats Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Aunt Jemima Ready-Mix * * * Flour."

On January 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

185. Adulteration of pancake and waffle flour. U. S. v. 32 Bundles and 8 Bundles of Flour. Default decree of condemnation and destruction. (F. D. C. No. 837. Sample Nos. 58115-D, 58116-D.)

On or about November 7, 1939, the United States attorney for the District of Arizona filed a libel against 40 bundles, each containing 12 sacks of flour, at Phoenix, Ariz. (consigned by the Globe Grain & Milling Co.), alleging that the article had been shipped in interstate commerce on or about January 4, 1939, from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Globe A1 Buttermilk Pancake and Waffle Flour."

On December 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

186. Adulteration of whole wheat flour. U. S. v. 18 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 834. Sample No. 56799-D.)

On October 27, 1939, the United States attorney for the Northern District of California filed a libel against 18 sacks of flour at Oakland, Calif. (consigned by the Collins Flour Mills), alleging that the article had been shipped in interstate commerce on or about July 14, 1939, from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Collins Whole Wheat * * * Collins Flour Mills Pendleton, Oregon."

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

187. Adulteration of flour and corn meal. U. S. v. 30 Sacks of Whole Wheat Flour, et al. Default decree of condemnation and destruction. (F. D. C. Nos. 978, 979. Sample Nos. 58120-D to 58127-D, incl., 58142-D.)

On November 21, 1939, the United States attorney for the District of Arizona filed a libel against 30 sacks of whole wheat flour, 109 sacks of pancake and waffle flour, 65 sacks of white corn meal, 11 sacks of bleached flour, and 54 sacks of yellow corn meal at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about January 4 to on or about October 4, 1939, by the Globe Grain & Milling Co., from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part variously: "Globe A 1 Northern Spring Whole Wheat Flour"; "Globe A 1

Buttermilk Pancake and Waffle Flour"; "Globe A 1 White Corn Meal"; "Globe A 1 Flour Bleached"; "Globe A 1 Yellow Corn Meal."

On January 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

188. Adulteration of corn meal. U. S. v. Fifteen 48-Pound Sacks and 167 96-Pound Sacks of Ground Meal. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 889. Sample No. 65815-D.)

On or about November 8, 1939, the United States attorney for the Southern District of Florida filed a libel against fifteen 48-pound sacks and one hundred and sixty-seven 96-pound sacks of corn meal at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by Interstate Milling Co. from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Fancy Table Rock Ground Meal Triangle Crystal White.

On December 11, 1939, the Interstate Milling Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered ordering release of the product under bond conditioned that it be denatured and disposed of as cattle feed.

189. Adulteration of corn meal. U. S. v. 51 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 810. Sample No. 61055-D.)

On October 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 51 sacks of corn meal at Plaquemine, La., alleging that the article had been shipped in interstate commerce within the period from on or about March 15, 1938, to on or about September 26, 1939, by Decatur Milling Co., Inc., from Decatur, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Degerminated Hudnuts Cream Meal."

On December 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

190. Adulteration of corn meal. U. S. v. 90 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1108. Sample No. 87243-D.)

On November 30, 1939, the United States attorney for the Southern District of Georgia filed a libel against 90 sacks of corn meal at Savannah, Ga., alleging that the article had been shipped on or about November 18, 1939, by Bishopville Milling Co. from Bishopville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pee Dee Unbolted Corn Meal."

On December 26, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

191. Adulteration of corn meal. U. S. v. 18 Bags and 67 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. Nos. 689, 690. Sample Nos. 61045-D, 61119-D, 61120-D.)

On October 10, 1939, the United States attorney for the Southern District of Alabama filed a libel against 85 bags of corn meal at Mobile, Ala., alleging that the article had been shipped on or about September 2 and 11, 1939, by Illinois Cereal Mills, Inc., from Paris, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Blossom Bolted Degerminated White Corn Cream Meal."

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

192. Misbranding of macaroni and spaghetti. U. S. v. 22, 84, and 57 Cases of Macaroni and Spaghetti (and 2 other seizure actions against macaroni and spaghetti). Default decrees of condemnation. Portion of products ordered delivered to charitable organizations; remainder ordered destroyed. (F. D. C. Nos. 703, 704, 705. Sample Nos. 65989-D to 65993-D, incl.)

These products were short weight, the packages were slack-filled and in four of the five lots the statement of the quantity of the contents was inconspicuous.

On October 10 and 11, 1939, the United States attorneys for the Southern and Middle Districts of Georgia filed libels against 163 cases of macaroni and spaghetti at Waycross, Ga.; 46 cases of macaroni at Valdosta, Ga.; and 44 cases of macaroni at Nashville, Ga., alleging that the articles had been shipped in interstate commerce by Ferlita Macaroni Co., Inc., from Tampa, Fla., within the period from on or about May 15, 1939, to on or about September 13, 1939; and charging that they were misbranded. Portions of the articles were labeled in part: "Tampa-Maid Brand Spaghetti [or "Macaroni"] * * * Ferlita Macaroni Co., Inc. Tampa, Florida." One lot was labeled in part: "Big Bite Brand Macaroni * * * Tampa Macaroni Co., Tampa, Fla."

Misbranding was alleged with respect to all lots in that the statements in the labeling, "6 Ozs. Net When Packed" or "6 Oz. Net," were false and misleading as applied to articles that were short weight; in that the articles were in package form and did not bear an accurate statement of the quantity of contents; and in that the containers were so made, formed, or filled as to be misleading. The Tampa-Maid brand was alleged to be misbranded further in that the statement of quantity of contents appearing on the label was not placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 6 and December 11, 1939, no claimant having appeared, judgments of condemnation were entered, the lots seized at Waycross, Ga., were ordered delivered to charitable organizations, and the remaining lots were ordered destroyed.

193. Adulteration of egg noodles. U. S. v. 24 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 571. Sample No. 61084-D.)

This product was in interstate commerce when examined, and at that time it was found to be insect-infested.

On September 9, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 24 cases of egg noodles at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 13, 1938, and January 10 and August 12, 1939, by the Quaker Oats Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Uncle Sam's First Quality American Process Genuine Egg Noodles."

On October 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

194. Misbranding of spaghetti. U. S. v. 104 Cases of Spaghetti. Default decree of condemnation. Product delivered to charitable organizations. (F. D. C. No. 805. Sample No. 47927-D.)

Examination of the containers of this product showed that the spaghetti occupied on an average about 57 percent of the volume of the package.

On October 24, 1939, the United States attorney for the District of Maryland filed a libel against 104 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 2 and 7, 1939, by S. Viviano Macaroni Manufacturing Co. from Carnegie, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Dixie Brand Spaghetti Packed for Maryland Grocery Co. Baltimore, Md."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to charitable organizations.

RICE

Nos. 195 and 196 of this publication report the seizure and disposition of rice which was in interstate commerce at the time of examination and which was insect-infested at that time.

195. Adulteration of rice. U. S. v. 27 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 739. Sample No. 61049-D.)

On or about October 20, 1939, the United States attorney for the Northern District of Florida filed a libel against 27 bags of rice at Pensacola, Fla. (libel amended about November 20, 1939), alleging that the article had been shipped on or about August 12, 1939, by Louisiana State Rice Milling Co., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Water Boy Louisiana State Rice."

On November 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

196. Adulteration of rice. U. S. v. 15 Bags and 117 Bags of Rice. Decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 1212, 1213. Sample Nos. 83406-D, 83407-D.)

On December 19, 1939, the United States attorney for the Western District of Washington filed a libel against 132 bags of rice at Seattle, Wash., alleging that the article had been shipped on or about August 25, 1939, by United Rice Milling Products Co., Inc., from New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 9, 1940, American Wholesale Grocery Co., Seattle, Wash., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be utilized as animal food and not sold or disposed of contrary to law.

DAIRY PRODUCTS

BUTTER

Nos. 197 to 209 of this publication report the seizure and disposition of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

197. Adulteration of butter. U. S. v. 60 Cartons of Butter. Decree of condemnation. Product released to claimant under bond. (F. D. C. No. 1378. Sample No. 85834-D.)

On January 5, 1940, the United States attorney for the Southern District of New York filed a libel against 60 cartons, each containing approximately 60 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 26, 1939, by Barrett Creamery from Barrett, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 18, 1940, the Barrett Co-operative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

198. Adulteration and misbranding of butter. U. S. v. 75 Tubs and 49 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 532, 565. Sample Nos. 44498-D, 44507-D.)

On August 21 and 31, 1939, the United States attorney for the District of New Jersey filed libels against 124 tubs of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 12 and 16, 1939, by Farmers Cooperative Creamery Co. from Lake Benton, Minn.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading; in that a product which contained less than 80 percent by weight of milk fat had been offered for sale under the name of butter; and in that it was an imitation of butter and the word "imitation" did not appear on the label in conjunction with the word "Butter."

On October 7, 1939, Gude & Cole, Inc., Newark, N. J., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

199. Adulteration of butter. U. S. v. David D. Sorensen (Sorensen Creamery). Plea of guilty. Fine, \$100. (F. D. C. No. 927. Sample Nos. 67723-D, 67728-D.)

On January 11, 1940, the United States attorney for the District of South Dakota filed in the district court an information against David D. Sorensen, trading as Sorensen Creamery, Big Stone City, S. Dak., alleging shipment by said defendant on or about August 10 and 13, 1939, from the State of South Dakota into the State of New York of quantities of butter which was adulterated in that a valuable constituent, milk fat, had been in part omitted from it, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 17, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$50 on each of the 2 counts.

200. Adulteration and misbranding of butter. U. S. v. 16 Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1325. Sample Nos. 61072-D, 61073-D, 61075-D.)

On December 22, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 16 cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 11, 1939, by Jerpe Dairy Products Corporation from Fayetteville, Ark.; and charging that it was adulterated and misbranded. A portion was labeled in part: (Carton) "Clear Brook Creamery Butter * * * Distributed by Wilson & Co. General Offices Chicago." The remainder was labeled in part: (Wrapper) "Ol' Fashund Roll * * * Clear Brook Quality." The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was labeled "butter" when in fact it was not butter as required by law.

On January 9, 1940, Jerpe Dairy Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, conditioned that it be reworked so as to meet the requirements of the law.

201. Adulteration of butter. U. S. v. 9 Cartons and 8 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 1380, 1381. Sample Nos. 85837-D, 85838-D.)

On January 9, 1940, the United States attorney for the Southern District of New York filed libels against 17 cartons, each containing 60 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Paulsen Creamery Co., of Princeton, Minn., from Mimeapolis, Minn., and that it had arrived at New York on or about January 2 and 4, 1940. The libel charged that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 22, 1940, the Paulsen Creamery Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

202. Adulteration and misbranding of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1379. Sample No. 85836-D.)

On January 9, 1940, the United States attorney for the Southern District of New York filed a libel against 10 cartons, each containing 60 pounds of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce by Maple Lake Creamery, Maple Lake, Minn., and that it had arrived at New York on or about January 2, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was offered for sale under the name of another food; and in that it was an imitation of butter and the word "imitation" did not appear on the label in connection with the word "butter."

On January 19, 1940, Maple Lake Farmers Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

203. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1324. Sample No. 55886-D.)

On December 2, 1939, the United States attorney for the Northern District of Illinois filed a libel against 16 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 19, 1939, by Boring Creamery Co. from Oklahoma City, Okla.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 3, 1940, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered ordering release of the product under bond, conditioned that it be reworked under the supervision of this Department so that it contain at least 80 percent of milk fat.

204. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1093. Sample No. 68216-D.)

On November 20, 1939, the United States attorney for the Southern District of New York filed a libel against 12 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 14, 1939, by the South Mountain Creamery, Inc., from Middletown, Md.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On December 4, 1939, South Mountain Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

205. Adulteration of butter. U. S. v. 12 Tubs and 1 Tub of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1092. Sample Nos. 68069-D, 68070-D.)

On November 17, 1939, the United States attorney for the Southern District of New York filed a libel against 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 3, 1939, by Linton Creamery Co. from Linton, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 29, 1939, Linton Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

206. Adulteration and misbranding of butter. U. S. v. 249 32-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 846. Sample No. 81138-D.)

On October 17, 1939, the United States attorney for the Western District of New York filed a libel against 249 32-pound cartons of butter at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about October 7, 1939, by Beatrice Creamery Co. from Champaign, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Wrapper) "Pasteurized, The Peak of Perfection, Arpeako Butter, Country Roll, Packed Exclusively for Rochester Packing Co., Inc., Rochester, N. Y."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On December 4, 1939, the Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

207. Adulteration of butter. U. S. v. 10 Cases of Creamery Butter. Default decree of condemnation. Product ordered delivered to public welfare agency. (F. D. C. No. 820. Sample No. 82937-D.)

On or about October 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 10 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 13, 1939, by the Borden Co. from Nashville, Tenn., and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat, had been substituted for butter. The article was labeled in part: (Carton) "Morning Glory Creamery Butter."

On November 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered released to a public welfare agency.

208. Adulteration of butter. U. S. v. 16 Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 788. Sample No. 79060-D.)

On October 14, 1939, the United States attorney for the Northern District of Georgia filed a libel against 16 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by Borden & Co. from Nashville, Tenn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of

milk fat had been substituted for butter. The article was labeled in part: (Wrapper) "Cudahy's Sunlight Creamery Butter. * * * The Cudahy Packing Co. Distributors."

On November 21, 1939, the Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond to be reworked under the supervision of this Department and to be brought into compliance with the law.

209. Adulteration and misbranding of butter. U. S. v. 6 Cases of butter. Default decree of condemnation and destruction. (F. D. C. No. 832. Sample No. 82932-D.)

Samples of this product were found to contain filth, to be deficient in milk fat, and to be short weight.

On or about October 16, 1939, the United States attorney for the Northern District of Georgia filed a libel against six cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by Mountain Valley Creamery from Brasstown, N. C.; and charging that it was adulterated and misbranded. It was labeled in part: "Kingan's Reliable Pure Creamery Butter * * * Packed for Kingan & Co. General Offices Indianapolis, Ind."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the Act of March 4, 1923. It was alleged to be adulterated further in that it consisted in whole or in part of a filthy substance.

The product was alleged to be misbranded in that the statement on the carton label, "One Pound Net Weight," was false and misleading since it was not accurate. It was alleged to be misbranded further in that the package or label failed to bear an accurate statement of the quantity of contents, since the amount found was less than that declared on the label.

On November 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS AND EGG PRODUCTS

210. Adulteration of shell eggs. U. S. v. 122 Cases of Shell Eggs. Decree of condemnation and destruction. (F. D. C. No. 736. Sample No. 67480-D.)

These eggs were decomposed.

On October 16, 1939, the United States attorney for the Eastern District of New York filed a libel against 122 cases of shell eggs at Valley Stream, Long Island, N. Y., alleging that the article had been shipped in interstate commerce on or about October 6, 1939, by an unknown shipper from New Jersey; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 18, 1939, judgment was entered ordering the immediate destruction of the product since it was a nuisance and menace to health.

211. Adulteration of frozen eggs. U. S. v. 142 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 587. Sample No. 67422-D.)

This product was in interstate commerce when examined, and at that time it was found to be in whole or in part decomposed.

On September 12, 1939, the United States attorney for the District of New Jersey filed a libel against 142 cans of frozen eggs at North Bergen, N. J., alleging that the article had been shipped in interstate commerce on or about July 31, 1939, by Litchfield Produce Co. from Litchfield, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed or putrid substance. The article was labeled in part: "Elpeco Brand Mixed Whole Eggs."

On October 25, 1939, Sheppard Baking Co., North Bergen, N. J., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the portion found to be decomposed be denatured and disposed of for some approved technical purpose.

212. Adulteration and misbranding of dried egg yolk and desiccated eggs. U. S. v. 200 Pounds of Powdered Hen Egg Yolk (and 4 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. D. C. Nos. 569, 570, 572, 590, 591. Sample Nos. 47395-D, 54945-D, 58483-D, 59086-D, 60260-D.)

These products had been shipped in interstate commerce and were in interstate commerce when examined, at which time they were found to be in whole or in part decomposed. They also were found to contain excess egg white.

On September 9, 12, and 13, 1939, the United States attorneys for the Southern District of Ohio, District of Maryland, Middle District of Pennsylvania, and the Eastern District of Wisconsin filed libels against 200 pounds of dried egg yolk at Cincinnati, Ohio; 400 pounds of dried egg yolk at Baltimore, Md.; 140 pounds of dried egg yolk at Scranton, Pa.; 200 pounds of dried egg yolk at Dayton, Ohio; and 379 pounds of desiccated eggs at Milwaukee, Wis., alleging that the articles had been shipped in interstate commerce within the period from on or about June 9 to on or about August 3, 1939, by Neusel Food Products Co. from New York, N. Y.; and charging that they were adulterated and misbranded. The articles, with the exception of one barrel, were variously labeled in part: "Neusel AAA Powdered Hen Egg Yolk"; "Neusel Brand AAA Spray Hen Egg Yolk"; or "Neusel Brand Desiccated Eggs." One barrel was unlabeled but the product was invoiced: "Neusel Brand AAA Spray Hen Egg Yolk."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. They were alleged to be adulterated further in that an article which contained excess egg white had been substituted wholly or in part for egg yolk, or for desiccated eggs, which the labels indicated them to be.

Misbranding was alleged in that the articles were offered for sale under the names of other foods. Misbranding was alleged with respect to all lots, with the exception of that contained in the unlabeled barrel, in that the statements on the labels, "Powdered Hen Egg Yolk," "Spray Hen Egg Yolk," and "Desiccated Egg," were false and misleading when applied to articles which contained egg white.

On October 4, 7, 11, and 27 and November 4, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

FISHERIES PRODUCTS

Nos. 213 to 224 of this publication report the seizure and disposition of crab meat, fish, and frog legs that were in interstate commerce at the time of examination and were found to be in whole or in part decomposed at that time.

213. Adulteration of frozen crab meat. U. S. v. 8 Cans of Frozen Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 761. Sample No. 72820-D.)

On October 18, 1939, the United States attorney for the Northern District of California filed a libel against eight cans of crab meat at San Francisco, Calif., alleging that the article had been shipped on or about July 22, 1938, by L. Kraasch from Aberdeen, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

214. Adulteration of frozen crab meat. U. S. v. 34 Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 286. Sample No. 43802-D.)

On July 12, 1939, the United States attorney for the Northern District of California filed a libel against 34 cans of crab meat at Oakland, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about June 7 to on or about June 11, 1939, by Oregon Sea Foods Co. from North Bend, Oreg.; and charging adulteration in that it consisted wholly or in part of a decomposed animal substance.

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

215. Adulteration of frozen ocean perch fillets. U. S. v. 52 Cases of Ocean Perch Fillets. Decree of condemnation and destruction. (F. D. C. No. 1246. Sample No. 71139-D.)

On December 26, 1939, the United States attorney for the District of Colorado filed a libel against 52 cases of frozen perch fillets at Pueblo, Colo., which had been shipped by Forty-Fathom Fish, Inc., alleging that the article had been transported in interstate commerce on or about September 8, 1939, from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Ocean Perch Fillets. Packed By General Seafoods Corporation, Boston, Massachusetts."

On January 12, 1940, General Seafoods Corporation having signed an acceptance of service for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

216. Adulteration of frozen perch fillets. U. S. v. 846 Boxes and 800 Boxes of Ocean Perch Fillets. Consent decree of condemnation. Product ordered converted into fertilizer. (F. D. C. Nos. 710, 772. Sample Nos. 46602-D, 46814-D, 55392-D.)

On October 11 and 20, 1939, the United States attorney for the Northern District of Illinois filed libels against 1,646 boxes of ocean perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 12 and 19, 1939, by Gloucester Fish Pier Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On November 22 and 29, 1939, the claimant having consented, judgments of condemnation were entered and the product was ordered converted into fertilizer.

217. Adulteration of frozen perch fillets. U. S. v. 40 Cases and 9 Cases of Ocean Perch Fillets. Decrees of condemnation and destruction. (F. D. C. Nos. 1147, 1158. Sample Nos. 70550-D, 71129-D, 71135-D.)

On December 7, 1939, the United States attorney for the District of Colorado filed libels against 40 cases of fillets at Pueblo, Colo., and 9 cases of fillets at Denver, Colo., consigned by Forty-Fathom Fish, Inc., alleging that the article had been transported in interstate commerce on or about November 10, 1939, from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Sealshipt * * * [or "40-Fathom"] * * * Ocean Perch Fillets Packed by General Seafoods Corporation, Boston, Mass."

On December 26, 1939, General Seafoods Corporation having signed an acceptance of service and authorization for taking of final decree, judgments of condemnation were entered and the product was ordered destroyed.

218. Adulteration of frozen fish fillets. U. S. v. 131 Boxes of Frozen Fillets. Decree of condemnation and destruction. (F. D. C. No. 797. Sample Nos. 70638-D, 70645-D.)

On October 24, 1939, the United States attorney for the District of Colorado filed a libel against 131 boxes of frozen fillets at Denver, Colo. (consigned by Gorton-Pew Fisheries Co.), alleging that the article had been shipped in interstate commerce on or about September 20, 1939, from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Gorton's Fresh Frosted Fillets * * * Silver Seal."

On November 13, 1939, Gorton-Pew Fisheries Co., Ltd., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

219. Adulteration of salt herring fillets. U. S. v. 72 Barrels and 10 Barrels of Iceland Herring in Fillets. Default decree of condemnation and destruction. (F. D. C. Nos. 1015, 1016. Sample Nos. 46622-D, 46625-D.)

On November 17, 1939, the United States attorney for the Eastern District of Wisconsin filed a libel against 82 barrels of herring fillets at Milwaukee, Wis., alleging that 72 barrels of the article had been shipped by Northern Fish Products Co. from Minneapolis, Minn., that 10 barrels had been shipped by B. A. Griffin Co., Inc., from Duluth, Minn., that both lots had been shipped in interstate commerce on or about October 31, 1939; and charging that the article was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Iceland Herring in Fillets * * * Product of Iceland."

On December 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

220. Adulteration of salt herring fillets. U. S. v. 2 Barrels, 10 Barrels, and 2½ Barrels of Herring Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 999, 1000, 1001. Sample Nos. 74636-D, 74639-D, 74881-D.)

On November 18, 1939, the United States attorney for the District of Minnesota filed libels against 14½ barrels of herring fillets at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 15, 1939, by B. A. Griffin Co., Inc., from Superior Docks, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Iceland Herring in Fillets Product of Iceland."

On January 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

221. Adulteration of salt herring. U. S. v. 8 Kegs, 89 Pails, and 63 Pails of Flat Lake Herring. Default decrees of condemnation and destruction. (F. D. C. Nos. 1117, 1118. Sample Nos. 79086-D, 79087-D, 79088-D.)

On December 1, 1939, the United States attorney for the Northern District of Oregon filed libels against 8 kegs and 89 pails of herring at Newnan, Ga., and 63 pails of herring at Griffin, Ga., alleging that the article had been shipped in interstate commerce on or about August 28, 1939, by Allison-Bedford Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 23, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

222. Adulteration of frozen frog legs. U. S. v. 16 Bags of Frozen Frog Legs. Default decree of condemnation and destruction. (F. D. C. No. 890. Sample Nos. 68504-D, 68516-D.)

On November 9, 1939, the United States attorney for the Southern District of New York filed a libel against 16 bags of frozen frog legs at New York, N. Y., alleging that the article had been shipped on or about April 26, 1939, by Gomez & Naranjo from Havana, Cuba; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

223. Adulteration of frozen frog legs. U. S. v. 18 Bags of Frozen Frog Legs. Default decree of condemnation and destruction. (F. D. C. No. 884. Sample Nos. 68513-D, 68517-D.)

On November 9, 1939, the United States attorney for the Southern District of New York filed a libel against 18 bags of frozen frog legs at New York, N. Y., alleging that the article had been shipped on or about September 1, 2, and 7, 1939, by Porterfield & Monroe from Mascotte, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

224. Adulteration of frozen frog legs. U. S. v. Twenty-one 5-Pound Bags of Frozen Frog Legs. Default decree of condemnation and destruction. (F. D. C. No. 803. Sample Nos. 68509-D, 68511-D.)

On October 25, 1939, the United States attorney for the Southern District of New York filed a libel against twenty-one 5-pound bags of frozen frog legs at New York, N. Y., alleging that the article had been shipped on or about July 27 and 29, 1939, by Jacques Weil from Rayne, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

225. Adulteration of frozen perch fillets. U. S. v. 87 Cases, 14 Cases, and 19 Cases of Frozen Fillets. Consent decrees of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 824. Sample Nos. 46822-D, 46823-D, 46824-D.)

This product was in interstate commerce at the time of examination, and at that time it was found to be infested with parasitic worms and to be in whole or in part decomposed.

On October 28, 1939, the United States attorney for the Northern District of Illinois filed libels against 120 cases of frozen fillets at Chicago, Ill., alleging that the article had been shipped on or about September 6 and October 13, 1939, by Atlantic Quick Freeze Co., Inc., from New Bedford, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Quick Frozen Fillets of Ocean Perch."

On November 29, 1939, the claimant having consented, judgments of condemnation were entered and the product was ordered converted into fertilizer.

Nos. 226 to 233 of this publication report the seizure and disposition of fish which was infested with parasitic worms.

226. Adulteration of frozen perch fillets. U. S. v. 500 Boxes of Red Perch Fillets. Default decree of condemnation and destruction. (F. D. C. No. 260. Sample No. 52101-D.)

On July 6, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 500 boxes of red perch fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about June 9, 1939, by Henry & Close, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

227. Adulteration of frozen perch fillets. U. S. v. 822 Boxes of Perch Fillets. Consent decree of condemnation. Product released under bond to be reconditioned. (F. D. C. No. 393. Sample No. 55929-D.)

On August 18, 1939, the United States attorney for the Northern District of Illinois filed a libel against 822 boxes of perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1939, by North Atlantic Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 28, 1939, Emil, Joseph, and Frank Cefalo, trading as North Atlantic Fish Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned in part that the unfit portion be destroyed under the supervision of this Department. The attempts to separate the good fish from the bad having proven unsuccessful, the entire lot was converted into fertilizer.

228. Adulteration of salt herring. U. S. v. 3 Kegs of Salt Herring. Default decree of condemnation and destruction. (F. D. C. No. 894. Sample No. 48244-D.)

On November 9, 1939, the United States attorney for the District of Minnesota filed a libel against 3 kegs containing 110 pounds each of salt herring at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about October 29, 1939, by Johnson & Olson from Chippewa Harbor, Isle Royale, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On December 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

229. Adulteration of salt herring. U. S. v. 12 Kegs of Salt Herring. Default decree of condemnation and destruction. (F. D. C. No. 893. Sample No. 48243-D.)

On November 9, 1939, the United States attorney for the District of Minnesota filed a libel against 12 kegs, each containing 110 pounds of salt herring, at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about October 29, 1939, by Sivert Anderson from Siskiwit Bay, Isle Royale, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On December 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

230. Adulteration of salt herring. U. S. v. 19 Kegs and 22 Kegs of Herring. Default decree of condemnation and destruction. (F. D. C. No. 861. Sample Nos. 74775-D, 74776-D.)

On November 4, 1939, the United States attorney for the District of Minnesota filed a libel against 41 kegs, each containing 110 pounds of herring, at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or

about October 22, 1939, by Sam Severtson, from Washington Harbor, Isle Royale, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On December 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

231. Adulteration of tullibeas. U. S. v. 2 Boxes of Tullibeas. Consent decree of condemnation and destruction. (F. D. C. No. 748. Sample No. 46815-D.)

On October 16, 1939, the United States attorney for the Northern District of Illinois filed a libel against two boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by Wilfred Saurdiff from Warroad, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 3, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

232. Adulteration of tullibeas. U. S. v. 124 Boxes and 41 Boxes of Tullibeas. Consent decrees of condemnation. Product ordered released under bond to be denatured and relabeled. (F. D. C. Nos. 317, 318. Sample Nos. 48398-D, 48399-D.)

On July 28, 1939, the United States attorney for the District of Minnesota filed libels against 165 boxes of tullibeas at Minneapolis, Minn., alleging that the article had been shipped on or about July 21 and August 2, 1938, by Keystone Fisheries, Ltd., from Winnipeg, Manitoba, Canada; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On October 24, 1939, the Minnesota Refrigerating Co., Minneapolis, Minn., claimant, having admitted the allegations of the libels, judgments of condemnation were entered ordering release of the product under bond, conditioned that it be relabeled and denatured so that it could not be used for human food.

233. Adulteration of tullibeas. U. S. v. 6 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. D. C. No. 302. Sample No. 55269-D.)

On July 19, 1939, the United States attorney for the Northern District of Illinois filed a libel against six boxes of tullibeas at Chicago, Ill., alleging that the article had been shipped in interstate commerce by R. Brewster from Warroad, Minn., on or about July 12, 1939; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

234. Misbranding of fresh oysters. U. S. v. 4 Barrels and 3 Barrels of Fresh Oysters. Default decree of condemnation and destruction. (F. D. C. No. 1061. Sample Nos. 76877-D, 76878-D.)

This product was short of the declared volume.

On November 22, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 7 barrels, containing 920 pint cans of oysters, at Altoona, Pa., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by Carol Dryden & Co. from Crisfield, Md.; and charging that it was misbranded.

It was alleged to be misbranded in that the label statement "One Pint Net" was false and misleading when applied to an article that was short volume; and in that it was in package form and its label did not bear an accurate statement of the quantity of contents.

On December 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

235. Adulteration of fresh oysters. U. S. v. 140 Pint Cans of Fresh Oysters. Default decree of condemnation and destruction. (F. D. C. No. 1063. Sample No. 78882-D.)

This product contained added water.

On November 22, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 140 pint cans of fresh oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 18 and 20, 1939, by W. E. Riggin & Co. from Crisfield, Md.; and charging that it was adulterated.

It was alleged to be adulterated in that a substance, water, had been substituted wholly or in part therefor and had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

236. Adulteration of canned oysters. U. S. v. 100 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 301. Sample No. 43955-D.)

Examination of this product showed the presence of decomposed oysters. It also contained shell fragments which were sharp and capable of inflicting injury in the mouth and many of which were small enough to be swallowed and lodge in the esophagus.

On July 27, 1939, the United States attorney for the Northern District of California filed a libel against 100 cases of canned oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 16, 1939, by Yamate Bros. from New Orleans, La.; and charging that it was adulterated.

Adulteration was alleged in that the article contained a deleterious substance, oyster shell fragments, which might have rendered it injurious to health; in that it consisted wholly or in part of a decomposed substance; and in that a substance, oyster shell fragments, had been substituted wholly or in part for the article and had been mixed and packed therewith so as to reduce its quality.

On November 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

237. Adulteration of canned oysters. U. S. v. 91 Quart Cans of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 1066. Sample No. 70265-D.)

Examination showed that this product contained added water.

On November 24, 1939, the United States attorney for the Middle District of Pennsylvania filed a libel against 91 quart cans of oysters at York, Pa., alleging that the article had been shipped in interstate commerce on or about November 20, 1939, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that a substance, water, had been substituted in part therefor; and in that water had been added to or mixed and packed with it so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On January 8, 1940, no claimant having appeared, judgment of condemnation and destruction was entered.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

Nos. 238 to 273 of this publication report the seizure and disposition of fruit and vegetables which bore spray residue containing arsenic or lead or both arsenic and lead.

238. Adulteration of apples. U. S. v. 192 Baskets of Apples. Default decree of condemnation and destruction. (F. D. C. No. 787. Sample No. 61115-D.)

On or about September 28, 1939, the United States attorney for the Southern District of Mississippi filed a libel against 192 baskets of apples at Jackson, Miss., alleging that the article had been shipped in interstate commerce on or about August 26, 1939, by Brogden & Hazel from Springdale, Ark.; and charging that it was adulterated in that it bore lead arsenate, a poisonous or deleterious substance, which might have rendered it injurious to health.

On November 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

239. Adulteration of apples. U. S. v. 76 Baskets of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 682. Sample No. 65996-D.)

On September 29, 1939, the United States attorney for the Northern District of Alabama filed a libel against 76 bushels of apples at Birmingham, Ala., alleging that the article had been transported in interstate commerce on or about September 27, 1939, by Polk Bros. from Menlo, Ga.; and charging adulteration in that the article contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On November 7, 1939, the owner having consented, judgment of condemnation was entered and the product was ordered destroyed.

240. Adulteration of apples. U. S. v. 148 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 879. Sample No. 53995-D.)

On October 13, 1939, the United States attorney for the Southern District of Iowa filed a libel against 148 bushels of apples at Council Bluffs, Iowa, alleging that the article had been transported in interstate commerce on or about October 10, 1939, by E. T. Sauer from Troy, Kans.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

241. Adulteration of apples. U. S. v. 20 Boxes and 10 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1173. Sample Nos. 83310-D, 83324-D.)

On November 16, 1939, the United States attorney for the District of Idaho filed a libel against 30 boxes of apples at Lewiston, Idaho, alleging that the article had been transported in interstate commerce on or about November 8, 1939, by Alex Lystila by truck from Clarkston, Wash.; and charging that it was adulterated in that it bore poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

242. Adulteration of apples. U. S. v. 145 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 1406. Sample Nos. 79945-D, 79946-D.)

On November 9, 1939, the United States attorney for the Northern District of Illinois filed a libel against 145 bushels of apples at Ontarioville, Ill., alleging that the article, consigned to F. H. Miller, had been transported in interstate commerce on or about November 3, 1939, by F. H. Miller, in his own truck from Stevensville, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 22, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

243. Adulteration of apples. U. S. v. 187 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 1402. Sample No. 47087-D.)

On October 24, 1939, the United States attorney for the Northern District of Illinois filed a libel against 187 bushels of apples at Blue Island, Ill., alleging that the article had been transported in interstate commerce on or about October 19, 1939, by Nial J. Anderson in his own truck from Hartford, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 1, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

244. Adulteration of apples. U. S. v. 30 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1401. Sample No. 55884-D.)

On October 31, 1939, the United States attorney for the Northern District of Illinois filed a libel against 30 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by Coloma Fruit Exchange from Coloma, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

245. Adulteration of apples. U. S. v. 92 Bushels and 110 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1327. Sample Nos. 79943-D, 79944-D.)

On or about November 10, 1939, the United States attorney for the Southern District of Indiana filed a libel against 202 bushels of apples at Cannelton, Ind., alleging that the article had been shipped in interstate commerce from South Haven, Mich., on or about November 3, 1939, by Arnond Hawhee; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On January 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

246. Adulteration of apples. U. S. v. 150 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1323. Sample No. 54460-D.)

On November 27, 1939, the United States attorney for the Middle District of Tennessee filed a libel against 150 bushels of apples at Nashville, Tenn., alleging that the article had been transported in interstate commerce from Fennville, Mich., on or about November 9, 1939, by E. S. Hertzka, in his own truck; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On January 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

247. Adulteration of apples. U. S. v. 60 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 883. Sample No. 79457-D.)

On or about October 17, 1939, the United States attorney for the Southern District of Iowa filed a libel against 60 crates of apples at Des Moines, Iowa, which had been hauled by Sam Zavatsky in his own truck from Riverside, Mich., on or about October 11, 1939, alleging that the article had been transported in interstate commerce; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 16, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

248. Adulteration of apples. U. S. v. 38 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 967. Sample No. 79478-D.)

On October 18, 1939, the United States attorney for the Northern District of Illinois filed a libel against 38 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by Phillips, in a truck owned by the Phillips Produce Co., from St. Joseph, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

249. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1020. Sample No. 79841-D.)

On November 6, 1939, the United States attorney for the Western District of Tennessee filed a libel against 60 bushels of apples at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about October 29, 1939, by Joe Mascari in his own truck from Benton Harbor, Mich.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On December 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

250. Adulteration of apples. U. S. v. 350 Bushels and 25 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 1070. Sample Nos. 79821-D, 79822-D.)

On October 31, 1939, the United States attorney for the Eastern District of Arkansas filed a libel against 375 bushels of apples at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about October 27, 1939, by C. E. Perry from Fennville, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 13, 1939, C. E. Perry, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned for the purpose of preventing the apples from being used or sold in their adulterated condition.

251. Adulteration of apples. U. S. v. 504 Crates of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1071. Sample No. 79902-D.)

On or about November 4, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 504 crates of apples at Oklahoma

City, Okla., alleging that the article had been transported in interstate commerce by B. B. Stanley by auto truck from Lawrence, Mich., on or about November 1, 1939; and charging that it was adulterated in that it contained lead spray residue, an added poisonous ingredient which might have rendered it injurious to health.

On November 4, 1939, B. B. Stanley, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be cleaned under the supervision of this Department.

252. Adulteration of apples. U. S. v. 135 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 1072. Sample No. 79996-D.)

On November 10, 1939, the United States attorney for the Eastern District of Arkansas filed a libel against 135 bushels of apples at McRae, Ark., alleging that the article had been transported in interstate commerce on or about November 7, 1939, by H. H. Fuller, in his own truck from Hartford, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 13, 1939, H. H. Fuller, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, to be reconditioned under the supervision of this Department in order to eliminate the lead content.

253. Adulteration of apples. U. S. v. 20 Bushels and 38 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1087. Sample Nos. 54468-D, 54469-D.)

On November 15, 1939, the United States attorney for the Western District of Tennessee filed a libel against 58 bushels of apples at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about November 12, 1939, by Leo Maglio in his own truck from Sodus, Mich.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On December 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

254. Adulteration of apples. U. S. v. 84 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1091. Sample No. 79982-D.)

On or about November 9, 1939, the United States attorney for the Southern District of Iowa filed a libel against 84 bushels of apples at Des Moines, Iowa, that had been hauled by R. M. Spencer in his own truck, from Benton Harbor, Mich., on or about November 6, 1939, alleging that the article had been hauled in interstate commerce; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 4, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

255. Adulteration of apples. U. S. v. 52 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 851. Sample No. 79260-D.)

On October 6, 1939, the United States attorney for the Northern District of Illinois filed a libel against 52 crates of apples at Elmhurst, Ill., alleging that the article, consigned to Forland Noble at Elmhurst, Ill., had been shipped in interstate commerce on or about September 28, 1939, by Forland Noble, from South Haven, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

256. Adulteration of apples. U. S. v. 23 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 850. Sample No. 79212-D.)

On October 6, 1939, the United States attorney for the Northern District of Illinois filed a libel against 23 crates of apples at Chicago, Ill., alleging that the article, consigned to Donald Williams, had been shipped in interstate commerce from Coloma, Mich., on or about September 24, 1939, by Donald Williams, in his own truck; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

257. Adulteration of apples. U. S. v. 200 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 876. Sample No. 47057-D.)

On or about October 24, 1939, the United States attorney for the Southern District of Iowa filed a libel against 200 bushels of apples at Des Moines, Iowa, that had been hauled by Russell Williams of Des Moines, Iowa, in his own truck from Stevensville, Mich., on or about October 18, 1939, alleging that the article had been transported in interstate commerce; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

258. Adulteration of apples. U. S. v. 28 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 878. Sample No. 47108-D.)

On or about October 26, 1939, the United States attorney for the Southern District of Iowa filed a libel against 28 bushels of apples at Des Moines, Iowa, which had been hauled by the Midwest Produce Co., of Des Moines, Iowa, from Benton Harbor, Mich., on or about October 22, 1939, alleging that the article had been transported in interstate commerce by auto truck (Hyman Magidow, driver); and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

259. Adulteration of apples. U. S. v. 40 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 968. Sample No. 79889-D.)

On November 3, 1939, the United States attorney for the Western District of Kentucky filed a libel against 40 bushels of apples at Louisville, Ky., alleging that the article had been transported in interstate commerce from Eau Claire, Mich., on or about October 31, 1939, via truck of Harold Cummings; and charging that it was adulterated in that it contained lead, a poisonous or deleterious ingredient, which might have rendered it harmful to health.

On December 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

260. Adulteration of apples. U. S. v. 235 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1376. Sample No. 79468-D.)

On or about October 26, 1939, the United States attorney for the Northern District of Iowa filed a libel against 235 bushels of apples at Mason City, Iowa, alleging that the article had been transported in interstate commerce by Delos A. Bartell in his own truck (grower, S. H. Dickinson), from Fennville, Mich., on or about October 12, 1939; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 10, 1939, Delos A. Bartell, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reconditioned under the supervision of this Department. The deleterious substance was removed by washing the fruit.

261. Adulteration of apples. U. S. v. 108 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1086. Sample No. 47169-D.)

On October 31, 1939, the United States attorney for the Western District of Wisconsin filed a libel against 108 bushels of apples at Monroe, Wis., alleging that the article had been shipped on or about October 25, 1939, from Bridgman, Mich., by Mrs. Cecil Wells in her own truck to herself at Monroe, Wis.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful and injurious to health.

On November 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

262. Adulteration of apples. U. S. v. 100 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1321. Sample No. 47103-D.)

On or about October 31, 1939, the United States attorney for the Northern District of Iowa filed a libel against 100 bushels of apples at Waterloo, Iowa, alleging that the article had been transported in interstate commerce from Bangor, Mich., on or about October 20, 1939, by Robert Harvester in his own truck to himself at Waterloo, Iowa; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, lead, which might have been harmful to health.

On December 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

263. Adulteration of apples. U. S. v. 72 Crates of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 1377. Sample No. 79964-D.)

On November 9, 1939, the United States attorney for the Northern District of Indiana filed a libel against 72 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce from Bangor, Mich., on or about November 5, 1939, by Michigan Produce Co. to itself at Hammond, Ind.; and charging that the article was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 2, 1939, the owner having consented, judgment of condemnation was entered and the product was ordered destroyed.

CABBAGE

264. Adulteration of cabbage. U. S. v. 16,000 Pounds of Cabbage. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1195. Sample No. 82476-D.)

On December 6, 1939, the United States attorney for the Northern District of Georgia filed a libel against 16,000 pounds of cabbage at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about December 4, 1939, by Joe McKelvey from Meggetts, S. C.; and charging adulteration in that it contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On December 6, 1939, Joe McKelvey having appeared as claimant, judgment of condemnation was entered ordering release of the product under bond, conditioned that it be made to conform to the law under the supervision of this Department.

265. Adulteration of cabbage. U. S. v. 2,000 Pounds of Cabbage. Default decree of condemnation and destruction. (F. D. C. No. 1105. Sample No. 82978-D.)

On November 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 2,000 pounds of cabbage at Atlanta, Ga., alleging that the article had been shipped in interstate commerce by truck from Meggetts, S. C., by E. H. Davis and Joe Davis on or about November 17, 1939; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

266. Adulteration of cabbage. U. S. v. 148 Boxes of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1073. Sample No. 82680-D.)

On November 13, 1939, the United States attorney for the Southern District of Florida filed a libel against 148 boxes of cabbage at Tampa, Fla., alleging that the article had been transported in interstate commerce by truck on or about November 8, 1939, by Jimmy Campisi from Edisto Island, S. C.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 18, 1939, Jimmy Campisi, the owner, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

267. Adulteration of cabbage. U. S. v. 8,500 Pounds of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1095. Sample No. 78447-D.)

On November 20, 1939, the United States attorney for the District of Maryland filed a libel against 8,500 pounds of cabbage at Baltimore, Md., alleging

that the article had been transported in interstate commerce on or about November 18, 1939, by Charles Gianforte by truck from Charleston, S. C.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, namely, arsenic.

On November 25, 1939, the claimant having consented, judgment of condemnation was entered and the product was ordered destroyed.

268. Adulteration of cabbage. U. S. v. 12,000 Pounds of Cabbage in Bulk. Consent decree of condemnation and destruction. (F. D. C. No. 1096. Sample No. 82449-D.)

On November 15, 1939, the United States attorney for the Southern District of Florida filed a libel against 12,000 pounds of cabbage at Tampa, Fla., alleging that the article had been transported in interstate commerce by Charles Campisi from Charleston, S. C., in his own truck, on or about November 11, 1939; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On November 16, 1939, Charles Campisi, owner, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

269. Adulteration of cabbage. U. S. v. 2,600 Pounds of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1097. Sample No. 82453-D.)

On November 16, 1939, the United States attorney for the Southern District of Florida filed a libel against 2,600 pounds of cabbage at Tampa, Fla., alleging that the article had been transported by motortruck on or about November 14, 1939, by Henry Sheppard from Charleston, S. C.; and charging that it was adulterated in that it contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On November 18, 1939, the owner, Henry Sheppard, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

270. Adulteration of cabbage. U. S. v. 8,000 Pounds of Cabbage. Consent decree of condemnation and destruction. (F. D. C. No. 1098. Sample No. 82455-D.)

On November 17, 1939, the United States attorney for the Southern District of Florida filed a libel against 8,000 pounds of cabbage at Tampa, Fla., alleging that the article had been transported in interstate commerce on or about November 15, 1939, by B. F. Lawson from James Island, S. C.; and charging adulteration in that it contained an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 21, 1939, the owner, B. F. Lawson, having consented, judgment of condemnation was entered and the product was ordered destroyed.

271. Adulteration of cabbage. U. S. v. 7,500 Pounds of Cabbage. Default decree of condemnation and destruction. (F. D. C. No. 1134. Sample No. 87224-D.)

On November 25, 1939, the United States attorney for the Northern District of Georgia filed a libel against 7,500 pounds of cabbage at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 21, 1939, by J. A. Gilbert by truck from Edisto Island, S. C.; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, arsenic and lead, which might have rendered it injurious to health.

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CAULIFLOWER

272. Adulteration of cauliflower. U. S. v. 29 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 833. Sample No. 70221-D.)

On October 24, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 29 crates of cauliflower at Philadelphia, Pa., alleging that the article had been transported in interstate commerce on or about October 23, 1939, by J. W. Visinski from Dayton, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

273. Adulteration of cauliflower. U. S. v. 14 Crates of Cauliflower. Default decree of condemnation and destruction. (F. D. C. No. 865. Sample No. 70232-D.)

On October 27, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 crates of cauliflower at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, by Frank Korleski from Jamesburg, N. J.; and charging that it was adulterated in that it bore an added poisonous or deleterious substance, arsenic, which might have rendered it injurious to health.

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLIVES

274. Adulteration and misbranding of ripe olives. U. S. v. 11 Barrels and 37 Barrels of Ripe Olives. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 363, 364. Sample Nos. 59493-D, 59494-D.)

These olives were found to be coated with mineral oil.

On August 8, 1939, the United States attorney for the Southern District of New York filed a libel against 48 barrels of ripe olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 6, 1939, by Phoenix Bros. from Fair Oaks, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Olivedale Oil Cured Ripe Olives."

Adulteration was alleged in that a substance, mineral oil, had been substituted in part for the article.

It was alleged to be misbranded in that the statement on the label, "Oil Cured Ripe Olives," was false and misleading when applied to a food product on which mineral oil, a nonnutritive substance, had been used.

On November 8, 1939, claimant Edward C. Phoenix, trading as Phoenix Bros., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to result in the complete elimination of the mineral oil. It was ordered further that if the olives were recoiled with olive oil, the presence of added olive oil should be declared on the label.

275. Adulteration of green olives. U. S. v. 8 Boxes and 16 Boxes of Green Olives. Default decrees of condemnation and destruction. (F. D. C. Nos. 1036, 1037. Sample Nos. 74117-D, 74119-D.)

This product was in interstate commerce when examined, and at that time it was found to be in whole or in part decomposed.

On November 22, 1939, the United States attorney for the District of Massachusetts filed libels against 24 boxes of green olives at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, by Yaden, Keller & Young from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Mt. Shasta * * * James Mills Orchards Corp. Hamilton City * * * California."

On December 18, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

276. Misbranding of canned oranges. U. S. v. 1,488 Cans of Oranges. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 634. Sample No. 75228-D.)

This product was short weight.

On or about September 22, 1939, the United States attorney for the Southern District of Ohio filed a libel against 1,488 cans of oranges at Cincinnati, Ohio (consigned on or about August 20, 1939), alleging that the article had been transported in interstate commerce by the Outlet Sales Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Eatmore Mandarin Oranges Contents 11 Oz. * * * Distributed by Outlet Sales Co., Chicago, Ill."

It was alleged to be misbranded in that the statement on the labeling, "Contents 11 Oz.," was false and misleading since it was incorrect; and in that it

was in package form and its label did not bear an accurate statement of the quantity of contents in the cans.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution with the provision that the labeling be defaced.

277. Adulteration of canned peas. U. S. v. 194 Cartons and 280 Cartons of Canned Peas. Default decrees of condemnation and destruction. (F. D. C. Nos. 1100, 1109. Sample Nos. 57891-D, 57892-D.)

Examination of this product showed that it was weevil-infested.

On November 27 and 29, 1939, the United States attorney for the Southern District of California filed libels against 194 cartons of canned peas at Vernon, Calif., and 280 cartons of canned peas at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 1, 1939, from Pleasant Grove, Utah, and on or about September 25, 1939, from Provo, Utah, by Pleasant Grove Canning Co.; and charging that it was adulterated. A portion of the article was labeled in part: "Specify Brand Sweet Utah Peas * * * Packed for M. A. Newmark & Company Distributors Los Angeles Calif." The remainder was labeled in part: "Pleasant Grove Brand * * * Blended Sweet Peas. * * * Packed by Pleasant Grove Canning Co."

The article was alleged to be adulterated in that it contained a filthy, putrid, or decomposed substance.

On December 19, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

278. Adulteration of canned peas. U. S. v. 149 Cases of Peas. Default decree of condemnation. Portion of product ordered destroyed; remainder ordered sold. (F. D. C. No. 445. Sample No. 41372-D.)

Samples of this product were found to contain weevils.

On August 18, 1939, the United States attorney for the District of Idaho filed a libel against 149 cases of canned peas at Idaho Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about July 21, 1939, by Pacific Fruit & Produce Co. from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Nation's Garden Brand Sweet Peas * * * Packed for Fine Foods, Inc., Seattle—Minneapolis."

On October 9, 1939, no claimant having appeared, judgment of condemnation was entered. It having been ascertained that portions of the product identifiable by certain codes, were free from weevil infestation, such portions were ordered sold and the remainder was ordered destroyed.

CANNED TOMATOES AND TOMATO PRODUCTS

279. Adulteration of canned tomatoes. U. S. v. 2,381 Cases of Tomatoes. Consent decree of condemnation. Product released under bond. (F. D. C. No. 902. Sample No. 57997-D.)

This product was in part decomposed.

On November 8, 1939, the United States attorney for the Southern District of California filed in the district court a libel against 2,381 cases of tomatoes at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by R. D. Pringle & Co. from Ogden, Utah; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. A portion was labeled in part: (Cans) "Craigs Perfection Brand Tomatoes * * * H. D. Olson & Sons Ogden Utah Packers and Distributors." The remainder was labeled in part: (Cans) "Nancy Jane Brand Tomatoes * * * Frank A. Jugler Ogden, Utah, Packer and Distributor."

On November 16, 1939, Associated Canneries, Inc., Ogden, Utah, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

280. Adulteration and misbranding of tomato catsup. U. S. v. 49 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 904. Sample No. 74634-D.)

This product contained excessive mold and also was short of the declared weight.

On November 9, 1939, the United States attorney for the Western District of Michigan filed a libel against 49 cases of tomato catsup at Ironwood, Mich.,

alleging that the article had been shipped in interstate commerce on or about July 1, 1939, by Shirley Canning Co. from Rushville, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Indiana Chief Tomato Catsup."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

Misbranding was alleged in that the statement on the label, "Contents 14 Ozs. Avd.," was false and misleading since it was incorrect; and in that the article was in package form and its label did not bear an accurate statement of the quantity of contents.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

281. Adulteration of tomato catsup. U. S. v. 217 Cases, each containing 24 Bottles of Frazier's Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1299. Sample No. 75916-D.)

Examination showed that this product contained excessive mold.

On January 5, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 217 cases, each containing 24 bottles of Frazier's Tomato Catsup, at Ashland, Ky., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by the Frazier Packing Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Frazier's Tomato Catsup."

On January 27, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

282. Adulteration of tomato paste. U. S. v. 16 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1040. Sample No. 74056-D.)

This product contained excessive mold.

On November 24, 1939, the United States attorney for the District of Rhode Island filed a libel against 16 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 16, 1939, by Helen Packing Corporation from North Collins, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Ital-Ama Brand Italian American Tomato Paste."

On December 22, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

283. Adulteration of tomato paste. U. S. v. 1,000 Cases of Tomato Paste. Product released under bond for segregation and destruction of unfit portion. (F. D. C. No. 1170. Sample No. 72858-D.)

Examination of this product showed that it contained excessive mold.

On December 8, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,000 cases, each containing 100 cans of tomato paste, at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by Flotill Products, Inc., from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Flotta Brand Pure Tomato Paste."

On January 26, 1940, Flotill Products, Inc., having appeared as claimant, the product was condemned and forfeited, and was ordered released to claimant under bond providing that the good portion of the article be separated from the unfit portion and that the unfit portion be destroyed.

284. Adulteration of tomato pulp. U. S. v. 2,318 Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1165. Sample No. 76885-D.)

Examination showed that this product contained excessive mold.

On December 8, 1939, the United States attorney for the District of Maryland filed a libel against 2,318 cans, each containing 5 gallons of tomato pulp, at Baltimore, Md., alleging that the article had been shipped in interstate commerce from about October 31 to November 10, 1939, by Salem County Cannery, Inc., from Quinton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 23, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

285. Adulteration of puree of tomatoes. U. S. v. 69 Cases of Puree of Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 1047. Sample No. 79609-D.)

This product contained excessive mold.

On November 22, 1939, the United States attorney for the Northern District of Illinois filed a libel against 69 cases of puree of tomatoes at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by Clamme Canning Co. from Hartford City, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed by Sprague, Warner & Company Chicago, Ill."

On January 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

Nos. 286 to 291 of this publication report the seizure and disposition of dried fruits which were in interstate commerce at the time of examination and were found to be insect-infested at that time.

286. Adulteration of raisins. U. S. v. 110 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 599. Sample No. 66231-D.)

On or about September 19, 1939, the United States attorney for the Southern District of Florida filed a libel against 110 cases of raisins at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about May 29, 1939, by California Packing Corporation from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Cord Brand Midget Bakers Thompson Seedless Raisins."

On October 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

287. Adulteration of raisins. U. S. v. 198 Cases and 301 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 598. Sample Nos. 66229-D, 66230-D.)

On or about September 19, 1939, the United States attorney for the Southern District of Florida filed a libel against 499 cases of raisins at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 30 and July 14, 1939, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging adulteration in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Iris Brand California Midget Bakers Thompson Seedless Raisins."

On October 23, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

288. Adulteration of raisins. U. S. v. 27 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 910. Sample No. 72850-D.)

On November 10, 1939, the United States attorney for the Northern District of California filed a libel against 27 cases of raisins at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18, 1939, by James Fenwick from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Amla Brand Thompson Seedless Raisins Puccinelli Packing Co. Turlock California."

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

289. Adulteration of raisins. U. S. v. 20 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 1242. Sample No. 87519-D.)

On or about December 29, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 20 boxes, each containing 25 pounds of raisins, at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about December 7 and 14, 1939, by H. H. Claussen's Sons, Inc., from Augusta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ensign Brand * * * Raisins Fancy Rosenberg Bros. & Co."

On January 25, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

290. Adulteration of dried apricots and dried peaches. U. S. v. 14 Boxes of Dried Apricots and 6 Boxes of Dried Peaches. Default decrees of condemnation and destruction. (F. D. C. Nos. 839, 840. Sample Nos. 64591-D, 64592-D.)

On October 31, 1939, the United States attorney for the District of Oregon filed libels against 14 boxes of dried apricots and 6 boxes of dried peaches at Salem, Oreg., alleging that the articles had been shipped in interstate commerce on or about June 10 and July 22, 1939, by Sunland Sales Cooperative Association from San Francisco, Calif.; and charging that they were adulterated in that they consisted wholly or in part of filthy substances.

On December 7, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

291. Adulteration of California Fruit Compote and Oregon prunes. U. S. v. 100 Boxes of Fruit Compote and 619 Boxes of Prunes. Consent decree of condemnation. Product released under bond to be denatured. (F. D. C. Nos. 775, 776. Sample Nos. 68033-D, 68034-D.)

On October 23, 1939, the United States attorney for the Southern District of New York filed a libel against 100 boxes of fruit compote and 619 boxes of prunes at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 25, 1939, by Jacob Kauffman from Philadelphia, Pa.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Eureka Brand Extra Choice California Fruit Compote [or "Northland Brand Oregon Prunes"] Rosenberg Bros. & Co."

On December 18, 1939, Arthur Goldenberg, Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be denatured and converted into a hydroalcoholic spray for use in the manufacture of smoking tobacco.

Nos. 292 to 294 of this publication report the seizure and disposition of dried fruits which were in interstate commerce at the time of examination and were found to be insect-infested and moldy at that time.

292. Adulteration of prunes. U. S. v. 22 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1049. Sample No. 83688-D.)

On November 24, 1939, the United States attorney for the District of Idaho filed a libel against 22 cases of dried prunes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about July 14 and September 25, 1939, in pool car shipment from Portland, Oreg., by Week's Transfer Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Household Brand California Prunes * * * Packed By Rosenberg Bros. & Co. San Francisco, California."

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

293. Adulteration of prunes. U. S. v. 42 Cases of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 849. Sample No. 83242-D.)

On November 1, 1939, the United States attorney for the Eastern District of Washington filed a libel against 42 cases of prunes at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about December 30, 1938, by Rosenberg Bros. & Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Ensign Brand Santa Clara Prunes."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

294. Adulteration of figs. U. S. v. 3½ Cases of Black Figs and 3½ Cases of Calimyrna Figs. Default decree of condemnation and destruction. (F. D. C. No. 720. Sample No. 64498-D.)

On October 13, 1939, the United States attorney for the District of Oregon filed a libel against seven cases of figs at Medford, Oreg., alleging that the article had been shipped by Pacific Pool Car Co. from Oakland, Calif., on or about November 25, 1938; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Long Bricks Pulled Black [or Calimyrna] Roeding's Sun Dried Unbleached Naturalpak Finest Figs Roeding Fig & Olive Co. Fresno Calif."

On December 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLE PRODUCTS

295. Adulteration of celery soup. U. S. v. 350 Cases of Celery Soup. Default decree of condemnation and destruction. (F. D. C. No. 517. Sample No. 65477-D.)

This product was undergoing chemical decomposition and was otherwise unfit for food because of its unpleasant metallic taste.

On August 28, 1939, the United States attorney for the Southern District of Ohio filed a libel against 350 cases of celery soup at Cincinnati, Ohio (consigned on or about June 24, 1939), alleging that the article had been transported in interstate commerce by Bell & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. The article was labeled in part: (Cans) "Lockwood Brand Celery Soup * * * Distributed by Phillips Sales Co., Inc. Cambridge, Md."

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

POULTRY

296. Adulteration of poultry. U. S. v. 32 Boxes of Ducks and 20 Barrels of Chickens. Default decrees of condemnation and destruction. (F. D. C. Nos. 793, 794. Sample Nos. 46703-D, 46705-D.)

Examination of these products showed that they contained added water.

On October 24, 1939, the United States attorney for the Northern District of Illinois filed libels against 32 boxes of ducks and 20 barrels of chickens at Chicago, Ill., alleging that the products had been shipped in interstate commerce on or about December 24, 1938, by Iowa Produce Co. from Dubuque, Iowa; and charging adulteration in that water had been substituted wholly or in part for the articles and had been added thereto so as to increase the bulk or weight of said articles.

On December 6 and 12, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

NUTS AND NUT PRODUCTS

Nos. 297 to 300 of this publication report the seizure and disposition of nuts and nut meats that were in interstate commerce at the time of examination and were found to be wormy, rancid, or moldy at that time.

297. Adulteration of Brazil nuts. U. S. v. 60 Bags of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1039. Sample Nos. 65875-D, 65878-D.)

On November 24, 1939, the United States attorney for the Northern District of Georgia filed a libel against 60 bags of Brazil nuts at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Wm. A. Camp Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tropical Brand New Crop * * * Manaos Brazils."

On December 6, 1939, Wm. A. Camp Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the deteriorated and rancid nuts be separated from the fresh and marketable nuts and destroyed.

298. Adulteration of Brazil nuts. U. S. v. 14 Bags of Brazil Nuts. Default decree of condemnation and destruction. (F. D. C. No. 1218. Sample No. 87462-D.)

On January 6, 1940, the United States attorney for the Northern District of Georgia filed a libel against 14 bags of Brazil nuts at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by Wm. A. Camp Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part, "Tropical Brand New Crop."

On January 8, 1940, no claimant having appeared, judgment of condemnation and destruction was entered.

299. Adulteration of Brazil nuts. U. S. v. 86 Boxes of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1214. Sample Nos. 87448-D, 87450-D.)

On December 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 86 boxes of Brazil nuts at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 24, 1939, by Baker Bennett Day Division of General Foods Sales Co., from Hoboken, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. The article was labeled in part: "King Cole Junior Brite Brazil Nuts."

On January 5, 1940, General Foods Sales Co., Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good nuts be separated from the bad and that the latter be destroyed.

300. Adulteration of Brazil nut pieces. U. S. v. 35 Cases of Brazil Nut Pieces. Default decree of condemnation and destruction. (F. D. C. No. 1275. Sample No. 85831-D.)

On January 3, 1940, the United States attorney for the Southern District of New York filed a libel against 35 cases of Brazil nut pieces at New York, N. Y., alleging that the article had been shipped from Para, Brazil, by Jayme Pazuello & Cia, that it had arrived at Jersey City, N. J., on or about October 18, 1939, and that it had been transported from Jersey City, N. J., to New York, N. Y., on or about October 26, 1938; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On January 19, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

Nos. 301 to 304 of this publication report the seizure and disposition of nuts and nut meats which were in interstate commerce at the time of examination and were found to be insect-infested at that time.

301. Adulteration of walnut meats. U. S. v. 6 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 1123. Sample No. 83729-D.)

On December 6, 1939, the United States attorney for the District of Idaho filed a libel against six cases of walnut meats at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about July 14, 1939, from Portland, Oreg., in pool shipment by Weeks Transfer Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Wylie Walnut Meats Packed By Wylie & Son Eugene, Oregon."

On December 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

302. Adulteration of walnut meats. U. S. v. 6 Cartons of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 1050. Sample No. 83718-D.)

On November 24, 1939, the United States attorney for the District of Idaho filed a libel against six cartons of walnut meats at Twin Falls, Idaho, alleging that the article had been shipped on or about June 21, 1939, by Sunset Nut Shelling Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

303. Adulteration of walnut meats. U. S. v. 50 Cases and 50 Cases of Walnut Meats. Consent decree of condemnation. Product released under bond for resorting. (F. D. C. Nos. 1171, 1193. Sample Nos. 70581-D, 70587-D, 70589-D.)

On December 9 and 14, 1939, the United States attorney for the District of Colorado filed libels against 100 cases of walnut meats at Denver, Colo. (consigned by M. M. Levy), alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., on or about November 30, December 4, and December 5, 1939; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On December 14, 1939, M. M. Levy, claimant, having admitted the allegations of the libel and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond for resorting and salvaging the good portions.

304. Adulteration of almonds in shell. U. S. v. 28 Bags of Almonds. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1148. Sample No. 83346-D.)

On December 5, 1939, the United States attorney for the Western District of Washington filed a libel against 28 bags of almonds at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, from Oakland, Calif., by Rosenberg Bros. & Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Ensign Brand Calif. 1XL Almonds."

On December 21, 1939, Rosenberg Bros. & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

PEANUT BUTTER

305. Adulteration of peanut butter. U. S. v. 73 Cases and 42 Cans of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 701. Sample No. 70331-D.)

This product contained insect fragments, rodent hairs, and dirt.

On October 11, 1939, the United States attorney for the District of New Jersey filed a libel against 73 cases, each containing two 25-pound cans, and forty-two 25-pound cans of peanut butter at Trenton, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about October 12, 1938, to on or about July 8, 1939, by Chase Sales Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Our Diamond Brand Peanut Butter * * * Old Reliable Peanut Company Suffolk, Va."

On November 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

306. Adulteration of peanut butter. U. S. v. 20 Cases, 22 Cases, 30 Cases, and 10 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 790. Sample No. 79188-D.)

This product contained insect fragments and dirt.

On October 25, 1939, the United States attorney for the Middle District of North Carolina filed a libel against 82 cases of peanut butter at Albemarle, N. C., alleging that the article had been shipped in interstate commerce on or about September 7, 1939, by Dixieland Products Co. from Columbus, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dixieland Peanut Butter."

On January 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

307. Adulteration of peanut butter. U. S. v. 7 Cases, 12 Cases, 4 Cases, and 19 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 801, 812. Sample Nos. 79200-D, 82961-D.)

Samples of this product were found to contain insect fragments and dirt.

On October 25, 1939, the United States attorney for the Middle District of North Carolina filed libels against 23 cases of various-sized jars of peanut butter at High Point, N. C., and 19 cases of peanut butter at Wilkesboro, N. C., alleging that the article had been shipped in interstate commerce on or about August 29 and September 7, 1939, by Dixieland Products Co. from Columbus, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dixieland Peanut Butter."

On January 6, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

308. Adulteration of peanut butter. U. S. v. 16 Cases and 12 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1078. Sample Nos. 70256-D, 70257-D.)

Examination showed that this product contained rodent hairs, insect fragments, and dirt.

On November 24, 1939, the United States attorney for the District of New Jersey filed a libel against 28 cases of peanut butter at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about September 8, 1939, by Old Reliable Peanut Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Golden Tint Brand Peanut Butter."

On December 28, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

309. Adulteration of peanut butter. U. S. v. 34 Cases of Peanut Butter. Default decree of destruction. (F. D. C. No. 905. Sample No. 61151-D.)

This product was found to contain sand and grit.

On November 8, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 34 cases, each case containing 12 jars of peanut butter, at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Dubon Brand Peanut Butter * * * Distributed By Dubon Company New Orleans, La."

On December 30, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

310. Adulteration and misbranding of peanut butter. U. S. v. 119, 104, 38, and 152 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1159. Sample No. 79084-D.)

Examination showed that this product contained dirt and insect fragments. The 1-pound jars were also found to be short of the declared weight.

On or about December 19, 1939, the United States attorney for the Western District of North Carolina filed a libel against 413 cases of peanut butter at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about October 10 and 27, 1939, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The article in the 1-pound jars was alleged to be misbranded in that the statement "Net One Lb." was false and misleading since it was incorrect. The article in the 1-pound jars was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 26, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

SACCHARINE PRODUCTS

CANDY

Nos. 311 to 316 of this publication report the seizure and disposition of candy and confections that were in interstate commerce at the time of examination and were found to be insect-infested at that time.

311. Adulteration of candy. U. S. v. 6¼ Boxes and 3 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 737, 757. Sample Nos. 58071-D, 58072-D.)

On October 18, 1939, the United States attorney for the District of Arizona filed libels against 9½ boxes of candy at Bisbee, Ariz., alleging that the article had been shipped in interstate commerce on or about May 22 and July 18, 1939, by the Euclid Candy Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Euclid's Chok Full O'Almonds Milk Chocolate"; or "Love Nest."

On January 8 and 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

312. Adulteration of candy. U. S. v. 6 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 751. Sample No. 58066-D.)

On or about October 23, 1939, the United States attorney for the District of Arizona filed a libel against 6 boxes, each containing 24 bars of candy, at Bisbee, Ariz., alleging that the article had been shipped in interstate commerce on or about May 8, 1939, by Golden Nugget Sweets, Ltd., from San Francisco,

Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pecan Whip Gold Nugget."

On January 8, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

313. Adulteration of candy. U. S. v. 18 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 822. Sample No. 58109-D.)

On October 27, 1939, the United States attorney for the District of Arizona filed a libel against 18 boxes of candy at Phoenix, Ariz. (consigned by Warren Watkins), alleging that the article had been shipped in interstate commerce from Los Angeles, Calif., on or about July 26, 1939; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Watkins Cherry Cobler."

On December 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

314. Adulteration of candy. U. S. v. 26 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 514. Sample Nos. 48965-D, 48974-D.)

On or about August 30, 1939, the United States attorney for the District of Connecticut filed a libel against 26 cartons of candy at New London, Conn., alleging that the article had been shipped in interstate commerce on or about May 22, 1939, by Romance Chocolate Co. from East Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Milk Brazil Nuts Romance."

On November 17, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

315. Adulteration of candy. U. S. v. 31 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 796. Sample No. 57863-D.)

On October 23, 1939, the United States attorney for the Southern District of California filed a libel against 31 boxes of candy at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 26, 1939, by Chase Candy Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Chase's Cherry Mash Candy."

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

316. Adulteration of popcorn bars. U. S. v. 16 Boxes of Carmel Popcorn. Default decree of condemnation and destruction. (F. D. C. No. 747. Sample No. 58063-D.)

On October 18, 1939, the United States attorney for the District of Arizona filed a libel against 16 boxes of popcorn at Douglas, Ariz., alleging that the article had been shipped on or about April 4, 1939, by Overland Candy Co. from Galewood, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Ferdinand The Bull Carmel Pop Corn * * * Chicago Biscuit & Cone Co. Chicago, Ill."

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

317. Misbranding of candy. U. S. v. 49 Cases of Movie Komies. Default decree of condemnation and destruction. (F. D. C. No. 626. Sample No. 58047-D.)

The packages of this product contained from 20 to 60 percent of their capacity. They bore no statement of the quantity of contents.

On September 19, 1939, the United States attorney for the Southern District of California filed a libel against 49 cases, each containing 100 packages of candy, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 6, 1939, by Casey Concession Co. from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading, and in that it was in package form and its label did not bear an accurate statement of the quantity of contents. The article was labeled in part: "Movie Komies * * * Allied Mfg. Co. Chicago."

On November 9, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

318. Adulteration of candy. U. S. v. 25 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 480. Sample No. 66323-D.)

Samples of this candy were found to contain rodent hairs and nondescript dirt. Each piece had a metal ring partially imbedded in the top which was protected from the candy by a cellophane shield.

On August 23, 1939, the United States attorney for the Western District of South Carolina filed a libel against 25 boxes of candy at Union, S. C., alleging that the article had been shipped in interstate commerce on or about August 3, 1939, by John H. Dockman & Son, Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and also that it was confectionery and bore or contained a nonnutritive article or substance. It was labeled in part "72 Stars."

On October 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

319. Misbranding of candy. U. S. v. 114 Cartons of Candy. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 903. Sample No. 46610-D.)

This product was put up in packages containing 16 candy drops which occupied about two-thirds of the volume of the package.

On November 8, 1939, the United States attorney for the Eastern District of Michigan filed a libel against 114 cartons of candy at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about October 7, 1939, by Metro Chocolate Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Metro Assorted Candy Drops [or "Imitation Wild Cherry Drops" or "Root Beer Drops"]."

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

320. Misbranding of candy. U. S. v. 209 Boxes of Candy. Default decree entered. Product ordered delivered to charitable institutions. (F. D. C. No. 516. Sample No. 67825-D.)

This product was short of the declared weight. The wrapped candy occupied less than two-thirds of the volume of the containers.

On or about August 29, 1939, the United States attorney for the District of Connecticut filed a libel against 209 boxes of candy at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about July 25, 1939, by Phoenix Candy Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "Phoenix Salt Water Taffy."

It was alleged to be misbranded in that the statement on the label, "Net Weight ½ Pound," was false and misleading since it was not correct; in that its container was so filled as to be misleading; and in that it was in package form and its label did not bear an accurate statement of the quantity of contents.

On November 17, 1939, no claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions, and that the containers be destroyed.

321. Misbranding of candied fruit. U. S. v. 149 Dozen Packages of Mixed Fruit. Default decree of condemnation and destruction. (F. D. C. No. 692. Sample No. 9831-D.)

This product was put up in baskets containing two layers. The top layer was well-filled and contained approximately three-fourths of the total weight of the contents, the lower layer was about one-third filled.

On October 6, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 149 dozen packages of mixed fruit at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 18, 1939, by Fialla & Eppler, Inc., from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Ephany Mixed Fruit * * * Net Wt. 8 Oz. * * * Two Layers."

On November 18, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

822. Misbranding of candy. U. S. v. 194 Packages and 30 Packages of Candy. Product ordered distributed to charitable institutions. (F. D. C. No. 515. Sample Nos. 67823-D, 67824-D.)

These packages contained smaller amounts of candy than was indicated by their outward appearance. Examination showed that the smaller packages had false bottoms and that the larger packages had false ends.

On or about August 29, 1939, the United States attorney for the District of Connecticut filed a libel against 194 3-ounce packages and 30 pound packages of candy at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about July 28, 1939, by Marvel Novelty Co., Inc., from New York, N. Y.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Manhattan" or "Lady Joan Assorted Chocolates."

On November 17, 1939, no claimant having appeared, judgment was entered ordering that the product be distributed to charitable institutions, and that the containers be destroyed.

HONEY

823. Misbranding of honey. U. S. v. 1,728 Jars of Honey. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 697. Sample No. 65476-D.)

This product was short of the declared weight.

On October 9, 1939, the United States attorney for the Southern District of Ohio filed a libel against 1,728 jars of honey at Cincinnati, Ohio, alleging that the article had been transported in interstate commerce on or about July 5, 1939, by Bell & Co., of Cincinnati, Ohio, in their own truck from Chicago, Ill., and charging that it was misbranded. It was labeled in part: "Sunsealed in Florida Pure Honey 14 Oz. Net Whitefield Citrus Products Corporation Bradenton, Florida."

The article was alleged to be misbranded in that the statement "14 Oz. Net" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On November 17, 1939, Bell & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

SPICES

MUSTARD SEED

824. Misbranding of mustard seed. U. S. v. 57 Dozen Cartons of Mustard Seed. Default decree of condemnation and destruction. (F. D. C. No. 398. Sample No. 47906-D.)

The packages of this product were filled to only one-half of their capacity.

On August 14, 1939, the United States attorney for the District of Maryland filed a libel against 57 dozen cartons of mustard seed at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19, 1939, by Hudson Tea & Spice Co. from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so filled as to be misleading since it was slack-filled.

On November 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

MEAT LOAF BINDER

825. Adulteration of meat loaf binder. U. S. v. 8 Barrels of JKL Meat Loaf Binder. Default decree of condemnation and destruction. (F. D. C. No. 1139. Sample No. 49101-D.)

This product was in interstate commerce when examined, and at that time it was found to be insect-infested.

On December 8, 1939, the United States attorney for the District of Rhode Island filed a libel against eight barrels of meat loaf binder at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by J. K. Laudenslager, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 4, 1940, no claimant having appeared, judgment of condemnation and destruction was entered.

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Atlas Mills:		Campisi, Charles:	
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Beatrice Creamery Co.:		Chase Candy Co.:	
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United States Department of Agriculture

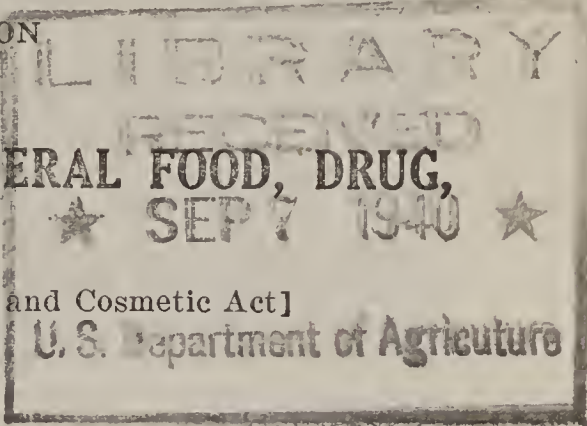
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

326-500

FOODS



The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

Washington, D. C., May 25, 1940.

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BEVERAGES AND BEVERAGE MATERIALS

TOMATO JUICE

326. Adulteration of canned tomato juice. U. S. v. 13 Cases of Tomato Juice.
Default decree of condemnation. (F. D. C. No. 1215. Sample No. 47796-D.)

This product contained insect fragments.

On December 20, 1939, the United States attorney for the District of Columbia filed a libel against 13 cases of canned tomato juice at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about November 2, 1939, by Reeves Parvin & Co., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Marie Brand Tomato Juice Packed For W. E. Robinson & Co. Bel Air, Md."

On January 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

COCOA

327. Adulteration of cocoa. U. S. v. 2,400 Cases and 50 Cases of Canned Cocoa.
Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 1438. Sample Nos. 71332-D, 71333-D.)

This product was damaged by smoke and sea water as a result of a fire on board vessel while en route. The contents of some of the packages were

caked hard. Portions of the product were moldy and some of it contained loose rust.

On February 2, 1940, the United States attorney for the Southern District of California filed a libel against 2,450 cases of canned cocoa at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 11, 1939, by E. & A. Opler, Inc., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Our Mother's Pure All Occasion Cocoa."

On February 9, 1940, Toplis & Harding, Inc., Los Angeles, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated from the good portion and destroyed.

TEA

328. Misbranding of tea. U. S. v. 21 Cases of Tea. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1011. Sample No. 82444-D.)

Examination showed that this product occupied only about 70 percent of the volume of the boxes.

On November 18, 1939, the United States attorney for the Southern District of Florida filed a libel against 21 cases, each containing 24 cartons of Black Bengal orange pekoe and pekoe tea, at St. Petersburg, Fla., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by the Dannemiller Coffee Co. from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On January 31, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

WHISKY

Nos. 329-331, inclusive, of this publication report seizure and disposition of whisky which analysis showed contained methyl alcohol and excessive quantities of aldehydes.

329. Adulteration of whisky. U. S. v. 5 Cases, 40 Cases, and 5 Cases of Whisky. Default decree of condemnation and destruction. (F. D. C. No. 1013. Sample No. 72428-D.)

On November 18, 1939, the United States attorney for the District of Nebraska filed a libel against 50 cases of whisky at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about July 7, 1939, by Liquor Dealers Supply Co. from Chicago, Ill.; and charging that it was adulterated in that a substance which contained methyl alcohol and excessive quantities of aldehydes had been substituted wholly or in part for whisky; and had been added thereto or mixed or packed with it so as to reduce its quality. The article was labeled in part: "Kentucky Private Stock Bottled in Bond * * * Whisky."

On February 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

330. Adulteration of whisky. U. S. v. 65 Cases of Bourbon Whisky. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1084. Sample Nos. 84361-D, 84362-D, 84363-D.)

On November 25, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 65 cases of whisky at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 20, 1938, by Sunrise Liquor, Inc., from Chicago, Ill.; and charging that it was adulterated. It was labeled in part: "Clover Valley * * * Kentucky Straight Bourbon Whiskey Distilled by Tom Moore Distillery Co. Bardstown * * * Kentucky."

It was alleged to be adulterated in that a substance containing methyl alcohol and excessive quantities of aldehydes had been substituted wholly or in part for whisky, and in that said substance had been added to the article or mixed or packed therewith so as to reduce its quality or strength.

On January 18, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

331. Adulteration of whisky. U. S. v. 10 Cases of Bourbon Whisky. Default decree of condemnation and destruction. (F. D. C. No. 1009. Sample No. 55441-D.)

On November 22, 1939, the United States attorney for the Northern District of Illinois filed a libel against 10 cases, each containing 12 quarts of Bourbon whisky, at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 11, 1939, by Charles Leich & Co. from Evansville, Ind.; and charging that it was adulterated. The article was labeled in part: "Kentucky Private Stock Straight Bourbon Whisky * * * Bottled for Roosevelt Liquors Inc. Chicago."

It was alleged to be adulterated in that a substance containing methyl alcohol and excessive quantities of aldehydes had been substituted wholly or in part for whisky; and in that said substance had been added to the whisky or mixed or packed with it so as to reduce its quality or strength.

On January 3, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

332. Adulteration of whisky. U. S. v. 1 Barrel of Whisky (and 2 other seizure actions against whisky). Default decrees of condemnation and destruction. (F. D. C. Nos. 1010, 1023, 1130. Sample Nos. 55442-D, 55443-D, 55795-D.)

Analyses showed that certain lots of this product contained methyl alcohol and excessive quantities of aldehydes, and that the remaining lots contained excessive aldehydes.

On November 22 and 28, and December 4, 1939, the United States attorney for the Northern District of Illinois filed libels against 2 barrels, 171 cases of quarts, 90 cases of pints, and 21 cases of ½ pints of Bourbon whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about August 25, 1938, to on or about September 29, 1939, by the Tom Moore Distillery Co. from Bardstown, Ky.; and charging that it was adulterated. The barrels were labeled in part: "Tom Moore Distillery Number 12 Bardstown Ky." The bottled whisky was labeled in part: "Old Curtis Brand * * * Kentucky Straight Bourbon Whiskey."

Adulteration was alleged with respect to the product in one of the barrels and in the quart and pint bottles in that a substance, methyl alcohol, and excessive quantities of aldehydes had been substituted wholly or in part for whisky and had been added to the article or mixed or packed with it so as to reduce its quality or strength; adulteration was alleged with respect to the product in the other barrel and in the half-pint bottles in that a substance containing excessive quantities of aldehydes had been substituted wholly or in part for whisky and had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

On January 3, 5, and 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR AND OTHER MILL PRODUCTS

Nos. 333 to 358 report the seizure and disposition of flour and other mill products that were in interstate commerce at the time of examination and were found to be insect-infested at that time.

333. Adulteration of plain, whole-wheat, and self-rising flour. U. S. v. 15 Sacks of Flour (and 2 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 918, 980, 1064. Sample Nos. 79076-D, 82568-D, 82569-D, 82570-D, 83107-D.)

On or about November 18 and December 7, 1939, the United States attorneys for the Western District of South Carolina and the Northern District of Florida filed libels against 15 sacks of flour at Spartanburg, S. C., 172 sacks of flour at Greenville, S. C., and 10 bags of flour at Tallahassee, Fla. On January 16, 1940, the libel filed in the Western District of South Carolina against the 172 sacks of flour at Greenville, S. C., was amended. It was alleged in the libels that the article had been shipped in interstate commerce within the period from or on or about February 26, 1938, to on or about July 19, 1939, by J. Allen Smith & Co., or the J. Allen Smith Co., from Knoxville, Tenn.; and that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part, variously: "Finest Fancy Patent Majestic Flour [or "Admiration Self-Rising Flour" or "Gold Eagle Flour Roller Patent"] * * *

J. Allen Smith & Co. Knoxville, Tenn."; "Red Head Flour Manufactured by Knoxville City Mills, Knoxville, Tenn."; "Whole Wheat Flour Distributed by J. Allen Smith Co."

On January 17 and 18 and February 16, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

334. Adulteration of flour. U. S. v. 10 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 478, 479, 981, 982. Sample Nos. 63063-D, 63064-D, 79075-D, 79077-D to 79080-D, incl.)

On August 23 and November 18, 1939, the United States attorneys for the Northern District of Alabama and the Western District of South Carolina filed libels against 108 bags of flour at Birmingham, Ala., 10 bags of flour at Greenville, S. C., and 139 bags of flour at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about February 28 to on or about August 7, 1939, by Lawrenceburg Roller Mills Co. from Lawrenceburg, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was variously labeled in part: "18 Karat [or "Spring King," "Good Health," or "Indiana Queen"] Flour * * * Lawrenceburg Roller Mills Co."; "Blue Bonnet Quality Flour Milled Expressly for Thomas & Howard Company * * * North and South Carolina."

On December 20, 1939, and January 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

335. Adulteration of flour. U. S. v. 11 Bags and 100 Bags of Flour. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 887. Sample Nos. 79072-D, 79073-D.)

On November 18, 1939, the United States attorney for the Western District of South Carolina filed a libel against 11 bags containing 96 pounds, and 100 bags each containing 12 pounds, of flour at Anderson, S. C., alleging that the article had been shipped in interstate commerce on or about February 4, April 15, and May 23, 1939, by the Hays City Flour Mills from Hays, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Prize Winner."

On January 16, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

336. Adulteration of flour. U. S. v. 215 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 886. Sample No. 82564-D.)

On November 7, 1939, the United States attorney for the Middle District of Georgia filed a libel against 215 bags of flour at Athens, Ga., alleging that the article had been shipped on or about January 13 and 30, and March 13, 1939, by Lexington Roller Mills Co., Inc., from Lexington, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Blue Grass Queen Flour."

On December 11, 1939, Webb Crawford Co., Athens, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of in compliance with the law. It was denatured so that it could not be disposed of for human consumption but might be disposed of for animal feed.

337. Adulteration of flour. U. S. v. 12 98-Pound Bags and 14 48-Pound Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 792. Sample No. 47853-D.)

On October 24, 1939, the United States attorney for the Eastern District of North Carolina filed a libel against 26 bags of flour at Goldsboro, N. C., alleging that the article had been shipped in interstate commerce on or about May 22 and June 25, 1939, by the Shenandoah Milling Co., Inc., from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Snow White * * * Short Patent Flour Star Milling Co. Hampstead, Md."

On December 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

338. Adulteration of flour. U. S. v. 153 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1116. Sample No. 63093-D.)

On or about December 2, 1939, the United States attorney for the Northern District of Mississippi filed a libel against 153 sacks of flour at Tupelo, Miss., alleging that the article had been shipped in interstate commerce on or about July 24 and August 2, 1939, by Colonial Milling Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Bleached Mother's Belle Fancy Patent Flour."

On December 7, 1939, J. J. Rogers & Sons, Tupelo, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be used for stock feed.

339. Adulteration of flour. U. S. v. 462 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 714. Sample No. 47844-D.)

On or about October 12, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 462 bags of flour at Newport News, Va., alleging that the article had been shipped on or about June 27, 1939, by the Wolf Milling Co. from Ellinwood, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Wolf's Premium Flour."

On November 30, 1939, Beck's City Bakery, Inc., Newport News, Va., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be disposed of as required and permitted by this Department. It was denatured and labeled "Animal Feed."

340. Adulteration of flour. U. S. v. 111, 57, 134, and 457 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 410 to 421, incl. Sample Nos. 61013-D, 61014-D, 61015-D, 61017-D to 61025-D, incl.)

On September 16, 1939, the United States attorney for the Western District of Louisiana filed a libel against 759 various-sized bags of flour at Lafayette, La., alleging that the article had been shipped in interstate commerce within the period from on or about March 16 to on or about July 12, 1939, by Houston Milling Co. from Houston, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was variously labeled in part: "Calcasieu Mac Mfg. Co. Houston Milling Co. * * * Hi Volume Flour"; "Calcasieu Mac. Co. Houston Milling Co. * * * Creation"; "American Maid [or "American Maid Ovation"] * * * Houston Milling Co."; "Sunset's Best * * * Sunset Milling Co. Houston, Texas."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

341. Adulteration of flour. U. S. v. 253 Bags of Flour. Decree of condemnation. Product released under bond to be disposed of for stock feed. (F. D. C. No. 1488. Sample No. 94929-D.)

On February 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 253 bags of flour at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about July 13, 1939, by Universal Mills from Fort Worth, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The product was labeled in part: "Baker's Gold Diastatically Balanced Flour."

On March 20, 1940, claimants, Tom C. Martino, Francisco Friscia, Leonard C. Martino, and Angelina C. Ciccarello, trading as Pietro C. Martino & Co., Tampa, Fla., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for stock feed.

342. Adulteration of flour. U. S. v. 55 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 888. Sample No. 82567-D.)

On January 16, 1940, the United States attorney for the Western District of South Carolina filed a libel (amended on February 13, 1940) against 55 sacks of flour, alleging that the article had been shipped in interstate commerce on or about January 25, 1939, by the Mountain City Mill Co. from Chattanooga,

Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part, "Gold Medal Flour."

On February 13, 1940, no claimant having appeared, decree of condemnation and forfeiture was entered and the product was ordered destroyed.

343. Adulteration of flour. U. S. v. 63 Sacks of Flour. Consent decree of condemnation. Product released under bond conditioned that it be denatured. (F. D. C. No. 1124. Sample No. 63096-D.)

On or about December 20, 1939, the United States attorney for the Northern District of Mississippi filed a libel against 63 sacks of flour at Columbus, Miss., alleging that the article had been shipped in interstate commerce on or about September 14 and 19, 1939, by the Hopkinsville Milling Co., Inc., from Hopkinsville, Ky.; and charging that it was adulterated in that it consisted wholly and in part of a filthy substance. It was labeled in part: "Tiz-Ready Flour."

On December 29, 1939, the Columbus Grocery Co., Columbus, Miss., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and disposed of for stock feed.

344. Adulteration of flour. U. S. v. 140 Bags of Flour. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1106. Sample Nos. 61444-D, 61445-D, 63095-D.)

On or about December 20, 1939, the United States attorney for the Northern District of Mississippi filed a libel against 140 bags of flour at Columbus, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about February 4 to on or about September 28, 1939, by Ismert-Hincke Milling Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "White Doe [or "Yellow Rose"] * * * Flour."

On December 29, 1939, Columbus Grocery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured so that it could not be disposed of for human consumption but might be used as stock feed.

345. Adulteration of flour. U. S. v. 7 Sacks, 23 Sacks, and 16 Sacks of Flour (and 1 other seizure action against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 1018, 1035. Samples Nos. 58148-D, 58151-D, 58152-D, 58153-D, 58161-D.)

On November 27, 1939, the United States attorney for the District of Arizona filed libels against 67 sacks of flour at Phoenix, Ariz., consigned by the Globe Grain & Milling Co., alleging that the article had been shipped within the period from on or about August 15 to October 4, 1939, from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Morning Glory Family Flour Seaboard Milling Co. of California"; or "Globe Mills Purity Flour Globe Mills Los Angeles."

On January 10 and 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

346. Adulteration of flour and rye meal. U. S. v. 36 Sacks of Flour (and 4 other seizure actions involving flour). Default decrees of condemnation. (F. D. C. Nos. 795, 800, 1057, 1161, 1183. Sample Nos. 58098-D, 58099-D, 58164-D, 58165-D, 58166-D, 58199-D, 83734-D, 83735-D.)

Between October 25 and December 23, 1939, the United States attorneys for the Districts of Arizona and Oregon filed libels against 46 sacks of flour at Tucson, Ariz.; 80 sacks of flour at Clarkdale, Ariz.; 17 sacks of flour at Kingman, Ariz.; and 69 sacks of flour at Ontario, Oreg., alleging that the article had been shipped in interstate commerce between March 18 and October 18, 1939, by the Sperry Flour Co. in various shipments from Ogden, Utah, and South Vallejo and Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled variously in part: "Hillcrest Bleached Flour Portland Flour Mills Co. of General Mills Inc."; "Big Tree Flour Portland Flour Mills Co. Distributors"; "Washburn Crosby Gold Medal Medium Rye Meal * * * Manufactured by General Mills Inc."; or "Sperry Drifted Snow Flour * * * Sperry Flour Company."

On February 5, 7, and 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

347. Adulteration of flour. U. S. v. 265 Sacks and 10 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 901. Sample Nos. 58133-D, 58134-D.)

On November 9, 1939, the United States attorney for the District of Arizona filed a libel against 275 sacks of flour at Phoenix, Ariz., consigned by Sperry Flour Co., alleging that the article had been shipped on or about May 8 and August 7, 1939, from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Pride of the West Ramo de Trigo Flour Portland Flour Mills Co. Distributor."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

348. Adulteration of flour. U. S. v. 4,875 Bags of Flour. Decree of condemnation. Product released under bond for denaturing. (F. D. C. No. 791. Sample Nos. 78603-D to 78612-D, incl.)

On October 21, 1939, the United States attorney for the District of Maryland filed a libel against 4,875 bags of flour at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from April 8 to May 26, 1939, inclusive, by the Northwestern Elevator & Mill Co. from Toledo, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Cracker Sponge Flour."

On November 22, 1939, judgment of condemnation was entered, and the product was ordered released to the claimant under bond conditioned that it should not be disposed of in violation of the law. It was denatured by the addition of meat scrap and was relabeled: "Duck Feed Not For Human Consumption."

349. Adulteration of cake flour. U. S. v. 82 Bags of Flour. Consent decree of condemnation. Product released under bond. (F. D. C. No. 826. Sample No. 61058-D.)

On October 27, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 82 bags of flour at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about July 13, 1939, by Washburn Crosby Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Bags) "Washburn Crosby Gold Medal Flour * * * Dolly Varden Oven-Tested Cake Flour Bleached * * * Manufactured by General Mills, Inc. * * * Minneapolis, Minnesota."

On December 16, 1939, Wm. Wolf Bakery, Inc., Baton Rouge, La., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be denatured so that it could not be used for human consumption but might be used as feed for swine or cattle.

350. Adulteration of cake flour. U. S. v. 136 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 899. Sample No. 47865-D.)

On or about November 13, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 136 sacks of flour at Norfolk, Va., alleging that the article had been shipped on or about May 22 and June 14, 1939, by the Gwinn Milling Co. from Columbus, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Daylight Cake Flour Brown's Hungarian Corporation New York."

On December 6, 1939, Brown's Hungarian Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of as required by this Department. It was denatured and repacked in bags labeled to show that it was animal feed.

351. Adulteration of pancake flour. U. S. v. 14 Cases and 5 Cases of Pancake Flour. Default decree of condemnation, forfeiture, and destruction. (F. D. C. Nos. 906, 907. Sample Nos. 58128-D, 58129-D.)

On or about November 9, 1939, the United States attorney for the District of Arizona filed a libel against 14 cases each containing 24 1¼-pound bags, and 5 cases each containing 12 2½-pound bags of pancake flour, at Phoenix, Ariz., alleging that the 14 cases had been shipped in interstate commerce on or

about September 13, 1938, from Enid, Okla., and that the 5 cases had been shipped on or about September 14, 1938, from Springfield, Ill., by the Pillsbury Flour Mills Co.; and charging that the product was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Pillsbury's Pancake Flour."

On December 19, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

352. Adulteration of self-rising and plain flour. U. S. v. 54, 122, and 4 Bags of Flour (and 3 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 764, 765, 766, 767. Sample No. 61129-D.)

On October 21, 1939, the United States attorney for the Southern District of Mississippi filed libels against 302 bags of self-rising flour and 226 bags of plain flour at Picayune, Miss., alleging that the article had been shipped on or about May 6 and August 25, 1939, by Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Sea Breeze [or "Mother's"] Flour."

On February 20, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

353. Adulteration of self-rising flour. U. S. v. 159 Sacks and 79 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1120. Sample Nos. 79082-D, 79083-D.)

On or about December 2, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 238 sacks of flour at Aiken, S. C., alleging that the article had been shipped on or about September 5, 1939, by Dan Valley Mills from Danville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Dan Valley [or "Superlative"] Self-Rising Flour."

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

354. Adulteration of self-rising flour. U. S. v. 240 Bags of Flour, more or less. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 991. Sample No. 61397-D.)

On November 16, 1939, the United States attorney for the Southern District of Mississippi filed a libel against 240 bags of flour (on March 18, 1940, the libel was amended to read "240 Bags of Flour, more or less"), alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by Mero Mills from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part: "Sky Rocket Self-Rising Snell Milling Co. Nashville, Tenn."

On March 19, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

355. Adulteration of flour and corn meal. U. S. v. 70 Sacks of Corn Meal and 4 Sacks of Flour (and 1 other seizure action against corn meal and flour). Default decree of condemnation, forfeiture, and destruction. (F. D. C. Nos. 1054, 1055, 1074, 1075. Sample Nos. 58155-D to 58160-D, incl., 58162-D, 58167-D.)

On or about December 4, 1939, the United States attorney for the District of Arizona filed libels against 85 sacks of corn meal and 31 sacks of flour at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about March 16 to on or about October 4, 1939, by the Globe Grain & Milling Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The corn meal was labeled in part: "Globe A1 Yellow [or "White"] Corn Meal." The flour was labeled: "Bakers A1 Flour Bleached" and "Bleached Comet Flour."

On December 4, 1939, no claimant having appeared, decrees of condemnation were entered and the products were ordered destroyed.

356. Adulteration of corn meal. U. S. v. 105 24-Pound Bags, 43 48-Pound Bags, and 15 96-Pound Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1044. Sample Nos. 82575-D, 82576-D, 82577-D.)

On November 25, 1939, the United States attorney for the Western District of South Carolina filed a libel against 163 bags of corn meal at Chester, S. C.,

alleging that the article had been shipped within the period from on or about September 27 to on or about October 31, 1939, by Birdsey Flour Mills from Macon, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Birdsey's Old Fashioned Stone Ground Meal."

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

357. Adulteration of corn meal. U. S. v. 300 6-Pound Bags, 185 12-Pound Bags, 31 24-Pound Bags, and 10 48-Pound Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 802. Sample No. 82949-D.)

On October 27, 1939, the United States attorney for the Western District of South Carolina filed a libel against 526 various-sized bags of corn meal at Rock Hill, S. C., alleging that the article had been shipped on or about October 11, 1939, by Eagle Roller Mill Co., Inc., from Shelby, N. C.; and charging that it was adulterated in that it consisted in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Cleveland Fresh Stone Ground Corn Meal Unbolted."

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

358. Adulteration of corn meal. U. S. v. 73 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 756. Sample No. 58051-D.)

On October 18, 1939, the United States attorney for the District of Arizona filed a libel against 73 bags of corn meal at Douglas, Ariz., alleging that the article had been shipped on or about March 23, 1939, by Light Grain & Milling Co. from Liberal, Kans.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Avondale Brand Yellow Corn Meal Put Up for James A. Dick Co. El Paso, Tex."

On January 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

359. Adulteration of whole wheat flour. U. S. v. 7 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1252. Sample No. 87609-D.)

Examination of samples showed that this product contained weevils, rodent excreta, and insect fragments.

On January 2, 1940, the United States attorney for the Southern District of Georgia filed a libel against seven sacks, each containing 98 pounds of flour, at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about July 20, 1939, by the Burrus Mill & Elevator Co. from Kingfisher, Okla.; and charging that the product was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Frontier Whole Wheat Flour."

On February 6, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

360. Adulteration of corn flour. U. S. v. 500 Bags of Corn Flour. Product ordered released under bond to be denatured. (F. D. C. No. 723. Sample No. 56986-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested and to contain rodent hairs.

On October 13, 1939, the United States attorney for the District of Idaho filed a libel against 500 bags of corn flour at Jerome, Idaho, alleging that the article had been shipped on or about September 19, 1939, by Lexington Mill & Elevator Co. from Lexington, Nebr.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On November 24, 1939, the Jerome Milling & Elevator Co., Jerome, Idaho, claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond conditioned that it be denatured.

MACARONI PRODUCTS

Nos. 361 to 365 report the seizure and disposition of macaroni products that were in interstate commerce when examined and were found to be insect-infested at that time.

361. Adulteration of egg noodles. U. S. v. 13 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1272. Sample No. 71317-D.)

On January 8, 1940, the United States attorney for the District of Arizona filed a libel against 13 cases of egg noodles at Globe, Ariz., alleging that the article had been shipped on or about July 16, 1939, by Kentucky Macaroni Co., Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Delmonico Brand Pure Egg Noodles."

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

362. Adulteration of egg noodles. U. S. v. 100 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1384. Sample No. 71627-D.)

On January 19, 1940, the United States attorney for the Southern District of California filed a libel against 100 cases of egg noodles at Los Angeles, Calif., alleging that the article had been shipped on or about June 14, 1939, by Foulds Milling Co. from Libertyville, Ill.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. It was labeled in part: "Golden Age June Egg Noodles * * * Golden Age Corporation, Libertyville, Ill."

On February 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

363. Adulteration of egg noodles. U. S. v. 16½ Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1219. Sample No. 71316-D.)

On January 8, 1940, the United States attorney for the District of Arizona filed a libel against 16½ cases of egg noodles at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about March 31 and June 2, 1939, by San Diego Macaroni Manufacturing Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cellophane bag) "Supreme Quality Chief Brand Pure Egg Noodles."

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

364. Adulteration of macaroni and egg noodles. U. S. v. 80 Cartons of Egg Noodles (and 9 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. D. C. Nos. 1133, 1267, 1307, 1335, 1385, 1390, 1410. Sample Nos. 58176-D, 71311-D to 71314-D, incl., 71434-D to 71438-D, incl., 71628-D to 71632-D, incl.)

On December 5, 1939, and January 5, 8, 10, 19, and 25, 1940, the United States attorneys for the District of Arizona and the Southern District of California filed libels against 13 cartons and 33¾ cases of egg noodles at Phoenix, Ariz.; and 34 cases of macaroni and 270 cartons and 267 cases of egg noodles at Los Angeles, Calif., alleging that the articles had been shipped in interstate commerce within the period from on or about August 12, 1937, to on or about May 12, 1939, by Golden Age Corporation from Libertyville, Ill.; and charging that they were adulterated in that they contained filthy, putrid, or decomposed substances. The articles were labeled in part, variously: "Golden Age Long Macaroni," "Golden Age Pure Egg Noodles," "Golden Age Egg Noodles," or "Egg Noodles."

On February 8, 14, and 28, and April 15, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

365. Adulteration of macaroni products. U. S. v. 18 Cases, 23 Cases, and 11 Cases of Macaroni Products. Default decrees of condemnation and destruction. (F. D. C. Nos. 777, 778, 779. Sample Nos. 55866-D, 55867-D, 55868-D.)

On October 21 and 24, 1939, the United States attorney for the Northern District of Indiana filed libels against 52 cases of macaroni products at Fort

Wayne, Ind., alleging that the article had been shipped within the period from on or about July 7, 1939, to on or about August 17, 1939, by the Chicago Macaroni Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Tufarelli No. 46" or "Italy Brand Macaroni," or "Big 3."

On December 14, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

366. Adulteration and misbranding of egg noodles. U. S. v. 6 Cases and 15 Cases of Egg Noodles. Default decrees of condemnation, forfeiture, and destruction. (F. D. C. Nos. 296, 297. Sample Nos. 65338-D, 65339-D.)

This product was found to be deficient in egg and to contain artificial color.

On July 18, 1939, the United States attorney for the Northern District of Ohio filed libels against 6 cases each containing 12 packages, and 15 cases each containing 24 packages of Gold Medal Brand Pure Egg Noodles, at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about March 23, 1939, by the Vienna Egg Noodle & Food Co. from Buffalo, N. Y.; and charging that it was adulterated and misbranded.

The article in each case was alleged to be adulterated in that a valuable constituent, egg, had been in part omitted therefrom; in that artificially colored products deficient in egg had been substituted for egg noodles; in that inferiority had been concealed through the addition of artificial color; and in that artificial color had been added thereto so as to make the articles appear better or of greater value than they were.

The article in each case was alleged to be misbranded in that the statement "Pure Egg Noodles" was false and misleading when applied to articles that were deficient in egg and that contained artificial color; and in that the article was offered for sale under the name of another product, egg noodles.

On September 1, 1939, no claimants having appeared, decrees of condemnation and forfeiture were entered and the article was ordered destroyed.

367. Misbranding of macaroni. U. S. v. 31 Cases of Macaroni. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 984. Sample No. 79074-D.)

The containers of this product were filled to about 80 percent of their capacity.

On November 18, 1939, the United States attorney for the Western District of South Carolina filed a libel against 31 cases of macaroni at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about September 22, 1939, by National Food Products Co. from New Orleans, La.; and charging that it was misbranded in that its containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Patriot Brand Ready Cut Macaroni * * * J. Cusimano & Co., New Orleans, La."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed or in lieu thereof that it be delivered to a charitable institution if found to be in good condition.

368. Misbranding of macaroni and spaghetti. U. S. v. 130 Cases of Macaroni, and 73 Cases of Spaghetti. Default decree of condemnation. Products delivered to charitable institutions. (F. D. C. No. 857. Sample Nos. 74064-D, 74065-D.)

The containers of these products were misleading since the contents occupied only about one-half of the available space in the package.

On or about November 6, 1939, the United States attorney for the District of Rhode Island filed a libel against 203 cases of macaroni and spaghetti at Providence, R. I., alleging that the articles had been shipped in interstate commerce on or about October 13, 1939, by Prince Macaroni Manufacturing Co. from Boston, Mass.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "White Spray Macaroni * * * Manufactured under license from Millbrook Products Co., Somerville, Mass."; and "White Spray Spaghetti * * * Distributed by First National Stores, Inc., Somerville, Mass."

On December 26, 1939, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to charitable institutions.

RICE

369. Adulteration of rice. U. S. v. 300 Sacks of Rice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1306. Sample No. 83459-D.)

This product was in interstate commerce when examined and was found to be insect-infested at that time.

On January 9, 1940, the United States attorney for the District of Oregon filed a libel against 300 sacks of rice at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Republic Rice Mill, Inc., from Lake Charles, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On February 14, 1940, Hudson-Duncan Co., Portland, Oreg., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of contrary to the law.

BAKERY PRODUCTS

COOKIES

370. Misbranding of cookies. U. S. v. 320 Packages of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 1286. Sample No. 71318-D.)

This product was deceptively packaged, since its container was filled only to approximately 52 percent of its capacity; and the statement of the quantity of contents was printed on the bottom of the package.

On January 8, 1940, the United States attorney for the District of Arizona filed a libel against 320 packages of cookies at Globe, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by Davies Warehouse Co. from Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: "Nutt Bros Big Buy Cookies."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the required statement of the quantity of contents was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 371-385, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

371. Adulteration of butter. U. S. v. 36 Tubs and 73 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 1400, 1497. Sample Nos. 55173-D, 55175-D.)

On January 10 and 24, 1940, the United States attorney for the Northern District of Illinois filed libels against 109 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 7 and 12, 1939, by the O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 1 and 7, 1940, Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked so that it conform to the requirements of the law.

372. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for rechurning. (F. D. C. No. 1498. Sample No. 55178-D.)

On January 30, 1940, the United States attorney for the Northern District of Illinois filed a libel against 50 tubs of butter at Chicago, Ill., alleging that the

article had been shipped in interstate commerce on or about January 16, 1940, by the Flittie Creamery from Washington Springs [Wessington Springs], S. Dak., and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 14, 1940, G. E. Flittie, of the Flittie Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be rechurned to the legal standard.

373. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation. Product released under bond for reconditioning. (F. D. C. No. 1708. Sample No. 14623-E.)

On March 15, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 10 tubs of butter at Philadelphia, Pa., alleging that it had been shipped in interstate commerce on or about March 9, 1940, by the Central West Shippers from Manchester, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 19, 1940, judgment of condemnation was entered, and the product was ordered delivered to the Central West Shippers, claimant, under bond for reconditioning.

374. Adulteration of butter. U. S. v. 3 Tubs and 14 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1569. Sample No. 85875-D.)

On February 26, 1940, the United States attorney for the Southern District of New York filed a libel against 17 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 15, 1940, by Stanton Cooperative Creamery from Stanton, Nebr.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 11, 1940, Dairy & Poultry Cooperatives, Inc., New York, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of butterfat.

375. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1657. Sample Nos. 13501-E, 13502-E.)

On March 6, 1940, the United States attorney for the Western District of Washington filed a libel against 10 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by Carbon County Creamery Co. from Red Lodge, Mont.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 12, 1940, Carbon County Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law under the supervision of this Department.

376. Adulteration of butter, U. S. v. 19 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1682. Sample No. 89420-D.)

On or about March 7, 1940, the United States attorney for the Northern District of Illinois filed a libel against 19 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by the Galva Creamery Co. from Kansas City, Mo.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 12, 1940, Marwyn Dairy Products Corporation, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

377. Adulteration and misbranding of butter. U. S. v. 41 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1599. Sample No. 85879-D.)

On March 1, 1940, the United States attorney for the Southern District of New York filed a libel against 41 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by the Sunflower Creamery from Manhattan, Kans.; and charging that it was adulterated. It was labeled in part: "Butter Distributed by Hunter, Walton & Co., New York N. Y."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 12, 1940, the Sunflower Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of butterfat.

378. Adulteration of butter. U. S. v. 16 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1499. Sample No. 72139-D.)

On or about February 8, 1940, the United States attorney for the Western District of Missouri filed a libel against 16 cubes of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 25, 1940, by Harding Cream Division, Sugar Creek Creamery, from Salina, Kans.; and charging that it was adulterated.

Adulteration was alleged in that a product which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter; and in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted from the article.

On February 9, 1940, Harding Cream Division, Sugar Creek Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

379. Adulteration and misbranding of butter. U. S. v. 175 Pounds of Creamery Butter. Default decree of condemnation and destruction. (F. D. C. No. 783. Sample No. 75542-D.)

On October 13, 1939, the United States attorney for the Southern District of Ohio filed a libel against 175 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by the Rising Sun Creamery Co. from Rising Sun, Ind.; and charging that it was adulterated and misbranded. It was labeled in part: "Blue Ribbon Creamery Butter * * * Packed Expressly for The Goyert & Vogel Co., Cincinnati, Ohio."

It was alleged to be adulterated in that a product deficient in milk fat since it contained less than 80 percent by weight of milk fat, had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," a product which should contain not less than 80 percent by weight of milk fat.

On December 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

380. Adulteration and misbranding of butter. U. S. v. 46 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1588. Sample Nos. 89411-D, 89415-D.)

On February 20, 1940, the United States attorney for the Northern District of Illinois filed a libel against 46 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by Enid Cooperative Creamery Association from Enid, Okla.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 21, 1940, Dauber Bros., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the

product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of milk fat.

381. Adulteration and misbranding of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1587. Sample Nos. 89412-D, 89414-D.)

On February 20, 1940, the United States attorney for the Northern District of Illinois filed a libel against 60 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 30 and February 2, 1940, by Romine Creamery Co. from Osage City, Kans.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 21, 1940, Dauber Bros., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain 80 percent of milk fat.

382. Adulteration of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1532. Sample No. 55179-D.)

On February 6, 1940, the United States attorney for the Northern District of Illinois filed a libel against 24 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1939, by Farmers Union Creamery Co. from Aurora, Nebr.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 23, 1940, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

383. Adulteration and misbranding of butter. U. S. v. 2 Tubs and 18 Boxes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 1585, 1586. Sample Nos. 85877-D, 85878-D.)

On February 29, 1940, the United States attorney for the Southern District of New York filed libels against 2 tubs and 18 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 17, 1940, by Spring Valley Butter Co. from Kansas City, Mo.; and charging that it was adulterated and that one lot was also misbranded.

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. One lot was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 9, 1940, Spring Valley Butter Co., claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

384. Adulteration of butter. U. S. v. 49 $\frac{2}{3}$ Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1500. Sample No. 72141-D.)

On February 6, 1940, the United States attorney for the Western District of Missouri filed a libel against 49 $\frac{2}{3}$ cases, each containing 12 pounds of butter, at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about January 30, 1940, by the Great A & P Tea Co., from Chicago, Ill.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted; and in that an article which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. The article was labeled in part: "Sunnyfield Creamery Butter * * * The Great Atlantic & Pacific Tea Co. New York, N. Y. Distributors."

On February 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

385. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1501. Sample No. 85869-D.)

On February 9, 1940, the United States attorney for the Southern District of New York filed a libel against 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 3, 1940, by Bassett Cooperative Creamery, Bassett, Nebr., in pool shipment by United Creameries Service, Omaha, Nebr.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 20, 1940, Bassett Cooperative Creamery, Bassett, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

Nos. 386 to 389 report prosecutions based on shipments of butter which contained less than 80 percent by weight of milk fat.

386. Adulteration of butter. U. S. v. Estel F. Draut (Rising Sun Creamery Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 930. Sample Nos. 75369-D, 75542-D.)

On January 20, 1940, the United States attorney for the Southern District of Indiana filed an information against Estel F. Draut, trading as Rising Sun Creamery Co., Rising Sun, Ind., alleging shipment by said defendant on or about October 5 and 9, 1939, from the State of Indiana into the State of Ohio of quantities of butter which was adulterated. It was labeled in part: "Blue Ribbon Creamery Butter * * * Packed Expressly for The Goyert & Vogel Co. Cincinnati, Ohio."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 17, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$25.

387. Adulteration of butter. U. S. v. Harry G. Kurrasch, trading as the Clinton Creamery. Plea of guilty. Fine, \$20. (F. D. C. No. 928. Sample No. 67722-D.)

On January 9, 1940, the United States attorney for the District of Minnesota filed an information against Harry D. Kurrasch, trading as the Clinton Creamery, Clinton, Minn., alleging shipment by him on or about August 10, 1939, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 9, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$20.

388. Adulteration of butter. U. S. v. Isaly's Creamery Products, Inc. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 924. Sample Nos. 52488-D, 52490-D.)

On December 20, 1939, the United States attorney for the Northern District of Indiana filed an information against Isaly's Creamery Products, Inc., Fort Wayne, Ind., alleging shipment by said defendant on or about September 4, 1939, from the State of Indiana into the State of Pennsylvania of a quantity of butter which was adulterated. It was labeled in part: (Cartons) "Isaly's Swiss Dairymen Cut Tub Butter * * * The Isaly Dairy Co., Pittsburgh, Pa."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 3, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

389. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Association. Plea of guilty. Fine, \$50. (F. D. C. No. 921. Sample Nos. 44498-D, 44507-D.)

On January 9, 1940, the United States attorney for the District of Minnesota filed an information against Farmers Cooperative Creamery Association, a corporation, Lake Benton, Minn., alleging shipment on or about August 8 and 16, 1939, from the State of Minnesota into the State of New Jersey of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 9, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$50.

390. Adulteration and misbranding of butter. U. S. v. 8 Cases of Creamery Butter. Decree of destruction entered. (F. D. C. No. 1094. Sample No. 72032-D.)

This product contained an added foreign oil.

On or about November 17, 1939, the United States attorney for the District of Kansas filed a libel against 8 cases, each containing 32 cartons of butter, at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Wilson & Co. from Oklahoma City, Okla.; and charging that it was adulterated and misbranded. It was labeled in part: "Clear Brook Creamery Butter Distributed By Wilson & Co."

The article was alleged to be adulterated in that a substance, a foreign oil, had been substituted wholly or in part for the said article. It was alleged to be misbranded in that the statement "Clear Brook Creamery Butter" was false and misleading, since it was not creamery butter but was an adulterated product.

On January 29, 1940, no claimant having appeared and the court having found that the product was decomposed, spoiled, and unfit for human consumption, on the recommendation by the consignee that it be destroyed the court entered judgment of condemnation and destruction.

CHEESE

391. Misbranding of grated cheese. U. S. v. 8 Dozen Packages of Grated Cheese. Consent decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. D. C. No. 995. Sample No. 71110-D.)

This product was found to be short of the declared weight, and it occupied only 57 percent of the capacity of the containers.

On November 17, 1939, the United States attorney for the District of Colorado filed a libel against 8 dozen packages of grated cheese at Denver, Colo., consigned by Ehrat Cheese Co., alleging that the article had been shipped in interstate commerce on or about October 13 and October 24, 1939, from Chicago, Ill., and charging that it was misbranded. It was labeled in part: "Riviera Parmesan Cheese Grated."

The article was alleged to be misbranded in that the statement "Net Weight 3 oz. when packed," borne on the label, was false and misleading since the said statement was incorrect; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 20, 1939, a consent decree of condemnation and forfeiture was entered, and the cheese was ordered delivered to a charitable institution.

CREAM

392. Adulteration of cream. U. S. v. One 5-Gallon Can and Two 10-Gallon Cans of Cream. Consent decrees of condemnation and destruction. (F. D. C. Nos. 1723, 1773. Sample Nos. 6406-E, 6408-E.)

This product was filthy and decomposed.

On March 8 and March 13, 1940, the United States attorney for the District of Colorado filed libels against one 5-gallon can and two 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about March 7, 8, and 10, 1940, in various consignments, by Harold Clements, from Arapahoe, Nebr.; Harold Hecker, from Sidney, Nebr.; and E. E. De Hut, from Orleans, Nebr.; and charging that it was adulterated

in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 8 and March 13, 1940, the consignees having consented to the entry of an order for the immediate destruction of the product, decrees were entered accordingly.

EGGS

393. Adulteration of frozen whole eggs. U. S. v. 297 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 1360. Sample No. 71439-D.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On January 16, 1940, the United States attorney for the Southern District of California filed a libel against 297 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 9, 1939, by Armour & Co. from Fort Worth, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On February 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FISHERIES PRODUCTS

394. Adulteration of bluefins. U. S. v. 17 Boxes of Bluefins. Default decree of condemnation and destruction. (F. D. C. No. 1610. Sample No. 3009-E.)

This product contained parasitic worms.

On March 11, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 17 boxes of bluefins at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Kemp Fish Co. from Duluth, Minn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On March 12, 1940, the court having found that the product was unfit for human consumption and the shipper having consented to its immediate destruction, judgment was entered ordering that it be destroyed.

395. Adulteration of frozen shrimp. U. S. v. 29 Boxes of Frozen Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1538. Sample No. 86117-D.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

On February 29, 1940, the United States attorney for the Southern District of New York filed a libel against 29 boxes, each containing 130 pounds of frozen shrimp, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, by the Colonial Shrimp Co., and W. M. Wells, from Southport, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 15, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

396. Adulteration of haddock fillets. U. S. v. 32 Boxes of Haddock Fillets. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1417. Sample No. 73982-D.)

This product was in interstate commerce when examined and was found to be in whole or in part decomposed at that time.

On January 29, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 32 boxes of haddock fillets at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about January 22, 1940, by the Great Atlantic & Pacific Tea Co. from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Northeast Brand Haddock Fillets * * * Gloucester Fresh Fish Company."

On February 20, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

397. Adulteration of canned mackerel. U. S. v. 600 Cases of Canned Mackerel. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portions. (F. D. C. No. 859. Sample No. 58310-D.)

This product was in part decomposed.

On or about November 17, 1939, the United States attorney for the Southern District of Florida filed a libel against 600 cases of canned mackerel at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by Hamilton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Calho Brand California Mackerel * * * Hamilton & Company Los Angeles California Distributors."

On November 28, 1939, Hamilton & Co. having appeared as claimant and the court having found that a portion of the product was free from decomposition and could be separated from the unfit portion, judgment of condemnation was entered, and the product was ordered released under bond conditioned in part that the decomposed portion be segregated and destroyed.

398. Adulteration of canned mackerel. U. S. v. 17 Cases of Canned Mackerel. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1276. Sample No. 66242-D.)

Examination showed the presence of decomposed mackerel.

On January 6, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 17 cases, each containing 48 cans of canned mackerel, at Winston-Salem, N. C., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by the California Marine & Curing Packing Corporation from Newport Beach, Calif.; and charging that it was adulterated. The product was labeled in part: "Calho Brand California Mackerel * * * Hamilton & Company Los Angeles California Distributors."

On March 11, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

399. Misbranding of canned fish. U. S. v. 6 Cases of White Meat Bonita. Default decree of condemnation and destruction. (F. D. C. No. 983. Sample No. 46721-D.)

This product was canned mackerel in tuna style cans. It was in interstate commerce and was labeled as white meat bonita. The declaration of weight was incorrect.

On November 15, 1939, the United States attorney for the Northern District of Illinois filed a libel against six cases of canned fish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 21, 1939, by Sun Harbor Packing Corporation from San Diego, Calif.; and charging that it was misbranded in that the statement "Net Wt. 7 Ounces" was false and misleading since it was short weight; and in that it was offered for sale under the name of another food. The article was labeled in part: "Gold Coast Brand White Meat Bonita, National Fisheries Limited, Distributors, Chicago."

On January 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

400. Adulteration of oysters. U. S. v. 199 Cans and 267 Cans of Oysters. The product being spoiled and unfit for human consumption, the court ordered its immediate destruction. (F. D. C. No. 1636. Sample Nos. 3010-E, 3011-E.)

Examination showed that this product contained added water.

On March 14, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 199 cans and 267 cans of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Union Fish Co. from Baltimore, Md.; and charging that it was adulterated.

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it was.

On March 19, 1940, the article appearing to be spoiled and unfit for human consumption, immediate destruction was ordered.

FRUITS AND VEGETABLES

FRESH FRUITS

Nos. 401 to 412 report the seizure and disposition of apples and pears which bore spray residue containing lead or lead and arsenic.

401. Adulteration of apples. U. S. v. 25 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1403. Sample No. 47177-D.)

On or about November 2, 1939, the United States attorney for the Eastern District of Illinois filed a libel against 25 bushels of apples at Mattoon, Ill., alleging that the articles had been transported in interstate commerce by C. F. Randolph and Donald Randolph in their own motortruck from Benton Harbor, Mich., to their place of business at Mattoon, Ill.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, in harmful quantities. The article was labeled in part: "Wm. J. Ellis & Co., Inc., From Chicago, Ill., Chas. Ridley South Haven, Mich."

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

402. Adulteration of apples. U. S. v. 55 Bushels of Jonathan Apples. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1320. Sample No. 45839-D.)

On November 28, 1939, the United States attorney for the Southern District of Indiana filed a libel against 55 bushels of Jonathan apples at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about November 21, 1939, by Charles Wallace from South Haven, Mich.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered its use harmful.

On February 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

403. Adulteration of apples. U. S. v. 335 Bushels of Jonathan Apples. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1174. Sample Nos. 67070-D, 72082-D.)

On or about November 30, 1939, the United States attorney for the Western District of Missouri filed a libel against 335 bushels of Jonathan apples at St. Joseph, Mo., alleging that the apples had been shipped in interstate commerce on or about September 4 and 5, 1939, by the Troy Apple Growers Association from Troy, Kans.; and charging that they were adulterated in that they contained a poisonous or deleterious ingredient, namely, lead, which might have rendered them injurious to health.

On January 24, 1940, no claimant having appeared, a decree of condemnation was entered and the apples were ordered destroyed.

404. Adulteration of apples. U. S. v. 40 Bushels of Hubbardston Apples. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1194. Sample No. 55157-D.)

On November 18, 1939, the United States attorney for the Southern District of Illinois filed a libel against 40 bushels of apples at Bloomington, Ill., alleging that they had been shipped in interstate commerce on or about November 7, 1939, by G. H. Langford from Hartford, Mich., to himself; and charging that they were adulterated in that they contained an added poisonous or deleterious ingredient, namely, lead, which might have rendered them harmful to health.

On March 2, 1940, no claimant having appeared, a decree of condemnation was entered and the apples were ordered destroyed.

405. Adulteration of apples. U. S. v. 48 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1407. Sample No. 79980-D.)

On November 9, 1939, the United States attorney for the Northern District of Iowa filed a libel against 48 bushels of apples at Mason City, Iowa, alleging that the article had been transported in interstate commerce on or about November 6, 1939, by Herb Barland in his own truck, from Benton Harbor, Mich., to himself at Mason City, Iowa; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On December 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

406. Adulteration of apples. U. S. v. 12 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1404. Sample No. 79411-D.)

On October 13, 1939, the United States attorney for the Northern District of Illinois filed a libel against 12 bushels of apples at Joliet, Ill., alleging that the article had been shipped on or about October 9, 1939, by Gust Famales from Benton Harbor, Mich., and consigned to himself at Joliet, Ill.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 29, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

407. Adulteration of apples. U. S. v. 162 Bushels and 38 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1085. Sample Nos. 47049-D, 47050-D.)

On or about October 24, 1939, the United States attorney for the Eastern District of Illinois filed a libel against 200 bushels of apples at Centralia, Ill., alleging that the article had been transported in interstate commerce by William W. Corners, in his own truck, from Fennville, Mich., to his place of business at Centralia, Ill.; and charging that it was adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, in harmful quantities.

On December 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

408. Adulteration of apples. U. S. v. 220 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 966. Sample No. 47101-D.)

On or about November 1, 1939, the United States attorney for the Southern District of Indiana filed a libel against 220 crates of apples at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Peter Lorenzo from Fennville, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered the apples harmful to health.

On January 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

409. Adulteration of apples. U. S. v. 20 Crates, 10 Crates, and 20 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1375. Sample Nos. 54887-D, 54888-D, 54890-D.)

On November 18, 1939, the United States attorney for the Eastern District of Missouri filed a libel against 50 crates of apples at Portageville, Mo., alleging that the article had been transported in interstate commerce from Sodus, Mich., on or about November 15, 1939, by V. C. McGowan; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On January 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

410. Adulteration of apples. U. S. v. 282 Boxes and 37 Boxes of Apples. Default decrees of condemnation and destruction. (F. D. C. Nos. 1088, 1089. Sample Nos. 73648-D, 74094-D.)

On November 15, 1939, the United States attorney for the District of Rhode Island filed libels against 282 boxes of apples at West Warwick, R. I., and 37 boxes of apples at Providence, R. I., alleging that the article had been transported in interstate commerce on or about November 2, 6, and 10, 1939, in part by Hyman Israeloff, and in part by the C. D. Fletcher Co. from West Concord, Mass.; and charging that it was adulterated in that it contained added poisonous or added deleterious ingredients, which are unsafe within the meaning of the statute.

On February 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

411. Adulteration of apples. U. S. v. 4,045 Pounds of Apples. Default decree of condemnation and destruction. (F. D. C. No. 880. Sample No. 66716-D.)

On October 10, 1939, the United States attorney for the District of Nebraska filed a libel against 4,045 pounds of apples at Fremont, Nebr., alleging that the article had been transported by the Shada Fruit Co. from Troy, Kans., to the Shada Fruit Co., Fremont, Nebr., on or about October 6, 1939; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

412. Adulteration of pears. U. S. v. 26 Boxes of Pears. Default decree of condemnation and destruction. (F. D. C. No. 1196. Sample No. 85665-D.)

On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended December 11, 1939) against 26 boxes of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by H. C. Myers from Boise, Idaho; and charging that it was adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health. It was labeled in part: (Box) "Beurre d'Anjou Extra Fancy * * * Pears. Grown by Horace Myers Boise Idaho."

On January 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

413. Adulteration and misbranding of oranges. U. S. v. 404 Bushels of Oranges in Bulk. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1038. Sample Nos. 82976-D, 82977-D.)

Examination showed that 30 percent of these oranges had marked dryness in 20 percent or more of the exposed pulp when the oranges were cut transversely through the center; and therefore were below U. S. Grade No. 2 on account of excess percentage of oranges showing dryness.

On November 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 404 bushels of oranges in bulk at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by Palca Fruit Growers, Inc., from Lakeland, Fla.; and charging that it was adulterated and misbranded. Each orange was marked on the skin: "U. S. No. 2."

The article was alleged to be adulterated in that it was unfit for food because of dryness; in that a valuable constituent, juice, had been in whole or in part omitted or abstracted therefrom; in that a substance, dried oranges, had been substituted wholly or in part therefor; and in that the said damage or inferiority had been concealed.

It was alleged to be misbranded in that the statement "U. S. No. 2" was false and misleading when applied to oranges that were unfit for food and did not meet the requirements of the grade indicated.

On December 15, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

414. Adulteration of canned cherries. U. S. v. 71 Cases of Cherries. Default decree of condemnation and destruction. (F. D. C. No. 1361. Sample Nos. 83757-D, 90601-D.)

These canned cherries contained worms.

On January 18, 1940, the United States attorney for the District of Oregon filed a libel against 71 cases of canned cherries at Baker, Oreg., alleging that the article had been shipped in interstate commerce on or about September 19, 1939, by Pacific Fruit & Produce Co. from Yakima, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand * * * Red Sour Pitted Cherries * * * Packed for Fine Foods, Inc. Seattle Minneapolis."

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

415. Misbranding of canned cherries. U. S. v. 68 Cases of Cherries. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 1431. Sample No. 89133-D.)

This product was short of the declared weight.

On or about February 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 68 cases of canned cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by Keystone Cooperative Grape Association, Inc., from Erie, Pa.; and charging that it was misbranded in that the statement "Contents 1 Lb. 5 Oz." appearing upon the containers was false and misleading since it was incorrect; and in that it was in package form and did not bear

an accurate statement of the quantity of the contents. It was labeled in part: (Cans) "Rand-Co Brand Pitted Black Cherries * * * Packed for Randolph Wholesale Grocery Co., Chicago, Ill."

On February 28, 1940, Keystone Cooperative Grape Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, to be relabeled under the supervision of this Department.

CANNED PEAS

416. Adulteration and misbranding of canned peas. U. S. v. 14 Cases of Early June Peas. Default decree of condemnation and destruction. (F. D. C. No. 1168. Sample No. 68769-D.)

This product was in interstate commerce and was labeled "Early June Peas." Investigation showed that it was canned dry peas, and also that it had been packed by a firm other than the one named on the label as the packer.

On December 11, 1939, the United States attorney for the District of New Jersey filed a libel against 14 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about November 1, 1939, by York Star Canning Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Arlee Early June Peas * * * Packed by Arlington Canning Co., Arlington, Wis."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas. It was alleged to be misbranded in that the statement "Early June Peas" and the design of peas in pods, borne on the label, were false and misleading, since it was canned soaked dry peas. It was alleged to be misbranded further in that the statement "Packed by Arlington Canning Co., Arlington, Wis." was false and misleading since it was packed by York Star Canning Co., Inc., New York, N. Y.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

417. Adulteration and misbranding of canned peas. U. S. v. 8 Cases of Canned Peas (and 2 other seizure actions involving canned peas). Default decrees of condemnation. Portion of product distributed to charitable institutions; remainder ordered destroyed. (F. D. C. Nos. 1140, 1141, 1144. Sample Nos. 68760-D, 68762-D, 68763-D, 68764-D.)

This product consisted of canned dry peas and not early June peas as labeled.

On December 5 and 7, 1939, the United States attorney for the Southern District of New York filed libels against 17 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 31 and November 7, 1939, by the Uco Food Corporation from Newark, N. J. On December 6, 1939, the United States attorney for the Eastern District of New York filed a libel (amended January 10, 1940) against 12 cases of canned peas at Brooklyn, N. Y., which had been consigned by Uco Food Corporation from Newark, N. J., on or about August 4 and November 10, 1939. A portion of the article was labeled in part: "Pultney Brand Early June Peas Packed by K. M. Davies Co., Inc. at Williamson, N. Y." The remainder was labeled in part: "Lawndale Brand * * * Early June Peas * * * Distributed By West Side Wholesale Grocery Co., Chicago, Ill."

The article was alleged to be adulterated in that dry peas had been substituted in whole or in part for early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," was false and misleading, since it was canned dry peas.

On December 28, 1939, and January 22, 1940, no claimant having appeared, judgments of condemnation were entered, and the lots seized at New York, N. Y., were ordered distributed to charitable institutions, and the lot seized at Brooklyn, N. Y., was ordered destroyed.

418. Adulteration and misbranding of canned peas. U. S. v. 118 Cases of Early June Peas (and 9 other seizure actions against canned peas). Cases ordered consolidated. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 1142, 1149 to 1157, incl. Sample Nos. 68751-D to 68759-D, incl., 77706-D.)

This product was canned dry peas. It was in interstate commerce and was labeled: "Early June Peas."

On December 5 and 9, 1939, the United States attorneys for the Eastern District of Pennsylvania and the District of New Jersey filed libels against 118 cases of canned peas at Philadelphia, Pa., and 2,574 cases of canned peas

at Newark, N. J., alleging that the lots at Newark, N. J., had been shipped in interstate commerce within the period from on or about August 11 to on or about November 9, 1939, by York Star Canning Co., from New York, N. Y., and that the lot at Philadelphia, Pa., had been shipped on or about August 29, 1939, by the Essex Warehouse Co., from Newark, N. J.; and charging that the article was adulterated and misbranded. The article was labeled variously in part: (Cans) "Pultney [or "Williamson"] Brand Early June Peas Packed by K. M. Davies Co., Inc. at Williamson, N. Y."; "Lawndale [or "Compare"] Brand * * * Early June Peas Distributed by West Side Grocery Co. Chicago, Ill."

It was alleged to be adulterated in that dry peas had been substituted wholly or in part for early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," was false and misleading, since it was canned dry peas.

On January 3, 1940, upon petition filed by the Amboy Food Corporation, claimant, the action instituted in the Eastern District of Pennsylvania was ordered transferred to the District of New Jersey for consolidation with the cases in that district. On February 15, 1940, the claimant having admitted the allegations of the libels and having consented to the entry of a decree in the consolidated cases, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department.

419. Adulteration and misbranding of canned peas. U. S. v. 58 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 1504. Sample No. 86270-D.)

This product was canned soaked dry peas and not early June peas as labeled.

On February 20, 1940, the United States attorney for the District of New Jersey filed a libel against 58 cases of canned peas at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by the Frederick City Packing Co. from Frederick, Md.; and charging that it was adulterated and misbranded. It was labeled in part: "Richland Brand Early June Peas."

Adulteration was alleged in that soaked dry peas had been substituted wholly and in part for early June peas. The article was alleged to be misbranded in that the statement "Early June Peas" and the design of peas in pods, borne on the label, were false and misleading.

On March 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

420. Adulteration of canned field peas with snaps. U. S. v. 498 Cases of Field Peas with Snaps. Default decree of condemnation and destruction. (F. D. C. No. 647. Sample No. 66353-D.)

Examination of this product showed that it contained insect larvae and eggs.

On September 30, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 498 cases, each containing 24 cans of field peas with snaps, at Sumter, S. C., alleging that the article had been shipped in interstate commerce on or about August 21, 1939, by the R. O. Kelley Cannery from Mitchell, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Kelley's Best."

On January 25, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

421. Adulteration of canned field peas with snaps. U. S. v. 23 Cases, 15 Cases, and 19 Cases of Canned Field Peas with Snaps. Default decrees of condemnation and destruction. (F. D. C. Nos. 911, 912, 913. Sample Nos. 82608-D, 82609-D, 82613-D.)

Examination of this product showed that it was insect-infested.

On or about November 14, 1939, the United States attorney for the Southern District of Florida filed libels against 23 cases of canned peas at Daytona Beach, Fla., and 34 cases of canned peas at Orlando, Fla., alleging that the article had been shipped in interstate commerce on or about September 6, 21, and 27, 1939, by the Concord Corporation from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Crine's Quality Field Peas with Snaps."

On December 11, 1939, and January 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED PUMPKIN

422. Adulteration of canned pumpkin. U. S. v. 15 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 806. Sample No. 58079-D.)

This product was in interstate commerce at the time of examination, and was found to be undergoing chemical decomposition at that time.

On October 25, 1939, the United States attorney for the District of Arizona filed a libel against 15 cases of canned pumpkin at Nogales, Ariz., alleging that the article had been shipped in interstate commerce on or about August 31, 1935, from Vinton, Iowa, by Iowa Canning Co.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Fernbrook Brand Pumpkin * * * Sac City Pumpkin Packed by Sac City Canning Co., Sac City and Storm Lake, Iowa."

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

423. Adulteration of canned pumpkin. U. S. v. 20 Cases of Canned Pumpkin. Default decree of condemnation and destruction. (F. D. C. No. 860. Sample No. 58092-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be in whole or in part decomposed.

On November 13, 1939, the United States attorney for the District of Arizona filed a libel against 20 cases of canned pumpkin at Nogales, Ariz., alleging that it had been shipped on or about March 18, 1935, by Morgan Packing Co. from Austin, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Scott Co. Brand Pumpkin."

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED MIXED VEGETABLES

424. Misbranding of canned mixed vegetables. U. S. v. 45 Cases of Mixed Vegetables. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 815. Sample No. 70669-D.)

This product was a mixture of carrots, string beans, lima beans, and peas. The labeling was misleading since the mixture contained no celery, beets (or pimientos), and potatoes, which were depicted on the vignette on the label while it did contain carrots and lima beans which were not shown on the vignette.

On October 27, 1939, the United States attorney for the District of Colorado filed a libel against 45 cases of canned mixed vegetables at Denver, Colo., consigned by the Rocky Mountain Packing Corporation, alleging that the article had been shipped in interstate commerce on or about September 9, 1939, from Murray, Utah; and charging that it was misbranded. The article was labeled in part: (Cans) "Y B Your Best Brand [vignette of a dish of mixed vegetables] Packed for the Yoelin Bros. Mercantile Co. Denver, Colo."

Misbranding was alleged in that the vignette was false and misleading when applied to an article that did not contain celery, beets (or pimientos), and potatoes, but did contain carrots and lima beans.

On December 7, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

FRUIT AND VEGETABLE PRODUCTS

APPLE BUTTER

425. Adulteration and misbranding of apple butter. U. S. v. 12 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 1022. Sample No. 83642-D.)

This product contained arsenic and lead. It also contained insects and insect fragments and was short of the declared weight.

On November 21, 1939, the United States attorney for the District of Oregon filed a libel against 12 cases of apple butter at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about September 16, 1939, by Spring Valley Dairy Products Co. from Nampa, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Spring Valley Brand Pure Apple Butter. Net Wt. 32 Ozs."

The article was alleged to be adulterated in that it contained poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health. It was alleged to be adulterated further in that it consisted wholly or in part of a filthy substance.

It was alleged to be misbranded in that the statement on the label, "Net Wt. 32 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VEGETABLE SOUP MIXTURE

426. Adulteration and misbranding of vegetable soup mixture. U. S. v. 33 Dozen Packages of Vita-Cup Brand Vegetable Soup. Default decree of condemnation and destruction. (F. D. C. No. 916. Sample No. 74301-D.)

This product was represented to be a mixture from which vegetable soup could be made. It consisted, however, of about 73 percent of noodles and 27 percent of dried vegetables and kelp. Certain vegetables depicted on a vignette on the package were not found in the mixture; the contents occupied not more than 63 percent of the carton; the weight was less than that declared; and the labeling was misleading in other particulars.

On November 10, 1939, the United States attorney for the District of Massachusetts filed a libel against 33 dozen packages of vegetable soup mixture at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 21 and 26, 1939, by Martha E. Bussler, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance containing 73 percent of noodles had been substituted wholly or in part for an article which purported to be vegetable soup.

It was alleged to be misbranded in that the statement, "Vegetable Soup * * * Made from 1 Pound Fresh Garden Vegetables Concentrated * * * Contents Carrots, Celery, Kelp, Okra, Onions, Leek, Parsley, Parsnips, Rutabagas, Beans, Turnips, Tomatoes, Vegetable seasoning and Egg Products Concentrated Vegetables," borne on the label, were false and misleading when applied to an article consisting essentially of noodles with some dried vegetables and seaweed (kelp); in that the vignette borne on the label was false and misleading since no peas or lima beans were found in the mixture; in that the statement "Conforms to State and all Federal Pure Food laws," was false and misleading since the article did not conform to the provisions of the Federal Food, Drug, and Cosmetic Act; in that the statement "2 Oz. Net Weight When Packed" was false and misleading since it was incorrect; in that the article was offered for sale under the name of another food, namely, "Vegetable Soup"; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On December 18, 1939, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 427 to 434 report the seizure and disposition of tomato products which contained excessive mold.

427. Adulteration of tomato catsup. U. S. v. 699 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1300. Sample No. 75482-D.)

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 699 cases of tomato catsup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Beutel Pickling & Canning Co. from Bay City, Mich.; and charging that it was adulterated in that it consisted wholly or in part

of a decomposed substance. The article was labeled in part: (Bottle) "Michigan Tomato Catsup."

On March 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

428. Adulteration of canned tomato catsup. U. S. v. 11 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1355. Sample No. 70979-D.)

On January 16, 1940, the United States attorney for the District of Idaho filed a libel against 11 cases of tomato catsup at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by H. D. Olson from Perry, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Can) "Olson's Royal Brand Tomato Catsup."

On February 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

429. Adulteration of tomato catsup. U. S. v. 50 Cases of Tomato Catsup. Default decree of condemnation. (F. D. C. No. 1372. Sample No. 76913-D.)

On January 18, 1940, the United States attorney for the District of Columbia filed a libel against 50 cases of tomato catsup at Washington, D. C., alleging that the article had been shipped on or about December 14, 1939, by W. E. Robinson & Co., Inc., from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Ma-Son Brand Catsup."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of in accordance with the law.

430. Adulteration of tomato puree. U. S. v. 69 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 844. Sample No. 59159-D.)

On or about November 2, 1939, the United States attorney for the Western District of Kentucky filed a libel against 69 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 11, 1939, by Matlock Brokerage Co. from Mount Summit, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Mt. Summit Brand Tomato Puree * * * Packed By Summit Products Co. Mt. Summit, Indiana."

On December 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

431. Adulteration of tomato puree. U. S. v. 32 Cases and 100 Cases of Tomato Puree. Consent decrees of condemnation and destruction. (F. D. C. Nos. 1434, 1480. Sample Nos. 97222-D, 97324-D, 97413-D.)

On February 12 and 14, 1940, the United States attorneys for the Districts of Wyoming and Colorado filed libels against 32 cases of tomato puree at Laramie, Wyo., and 100 cases of tomato puree at Denver, Colo., consigned by the Kaysville Canning Corporation, alleging that the article had been shipped in interstate commerce within the period from on or about October 5 to on or about October 31, 1939, from Kaysville, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Silver Band Tomato Puree from Tomatoes and Trimmings * * * The Morey Mercantile Co. Distributors Denver, Colo."

On February 14 and 26, 1940, the Kaysville Canning Corporation having signed an acceptance of service and authorization for taking of final decree in each case, judgments of condemnation were entered and the product was ordered destroyed.

432. Adulteration of tomato pulp. U. S. v. 856 5-Gallon Cans of Tomato Pulp. Default decree of condemnation and destruction. (F. D. C. No. 1395. Sample No. 47676-D.)

On January 25, 1940, the United States attorney for the District of Maryland filed a libel against 856 5-gallon cans of tomato pulp at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 10, 1940, by Vallonia Canning Co. from Vallonia, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

433. Adulteration of tomato sauce. U. S. v. 100 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1399. Sample No. 56486-D.)

On January 29, 1940, the United States attorney for the District of Oregon filed a libel against 100 cases of canned tomato sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 20, 1940, by General Grocery Co. from Alameda, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

434. Adulteration of canned hot sauce. U. S. v. 99 Cases of Hot Sauce. Consent decree of condemnation and destruction. (F. D. C. No. 1553. Sample No. 92508-D.)

On March 2, 1940, the United States attorney for the Territory of Hawaii filed a libel against 99 cases of canned hot sauce at Kahului, Maui, T. H., consigned by Harcourt, Greene Co., alleging that the article had been shipped on or about February 16, 1940, from Alameda, Calif.; and charging that it was adulterated in that it contained mold and was in whole or in part filthy, putrid, and decomposed, and otherwise unfit for food. The article was labeled in part: "For All Brand Hot Sauce. * * * Harcourt, Greene Co., Distributors, San Francisco, Calif."

On March 7, 1940, the claimant having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

435. Adulteration of hot sauce. U. S. v. 149 Cases of Hot Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1516. Sample No. 56492-D.)

Samples of this product were found to contain insect fragments and excessive mold.

On February 24, 1940, the United States attorney for the Eastern District of Washington filed a libel against 149 cases of hot sauce at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 27, 1940, from Oakland, Calif., by the Independent Grocers Alliance; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. It was labeled in part: "Roundup Brand Hot Sauce * * * Packed For Roundup Grocery Co. Spokane, Wash."

On April 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

436. Adulteration of canned tomatoes. U. S. v. 1,200 Cases of Canned Tomatoes (and 1 other seizure action against the same product). Decrees of condemnation. Portion of product ordered destroyed; remainder permitted to be released under bond. (F. D. C. Nos. 989, 1048. Sample Nos. 64205-D, 64206-D.)

This product was in part decomposed.

On November 15 and 21, 1939, the United States attorney for the District of Washington filed libels against 1,372 cases of canned tomatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 13 and 16, 1939, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed or filthy substance. The article was labeled in part: (Cans) "Standby Solid Pack Tomatoes Grown and Packed in Utah"; or "Emporium Brand * * * Tomatoes Packed For National Grocery Co. Seattle."

On November 30, 1939, Associated Canneries, Inc., having appeared as claimant through H. D. Olson, its vice president, in the case involving 1,200 cases of the product and said claimant having consented to the entry of a decree, judgment of condemnation was entered—the decree, however, containing a provision that the product might be released to the claimant under bond, conditioned that it should not be disposed of in violation of the law. On December 14, 1939, no claim having been entered for the remaining lot, it was condemned and ordered destroyed.

437. Adulteration of canned tomatoes. U. S. v. 1,167 Cases of Tomatoes. Consent decree ordering product released under bond. (F. D. C. No. 1002. Sample No. 83687-D.)

Examination of this product showed that it was wholly or in part decomposed.

On November 21, 1939, the United States attorney for the District of Idaho

filed a libel against 1,167 cases of canned tomatoes at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about October 16 and 20, 1939, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Nancy Jane Tomatoes Frank A. Jugler Ogden, Utah Packer & Distributor."

On December 4, 1939, H. D. Olson, claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

438. Adulteration of tomato paste and canned tomatoes with puree. U. S. v. 583 Cases of Tomato Paste (and 1 other seizure action involving tomato paste and 1 involving canned tomatoes with puree). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portions. (F. D. C. Nos. 1311, 1356, 1392. Sample Nos. 56455-D, 73376-D, 73377-D, 73378-D, 73522-D, 85615-D.)

The tomato paste contained excessive mold. The canned tomatoes with puree contained worm and insect fragments and excessive mold.

On January 9 and 17 and February 2, 1940, the United States attorney for the Southern District of New York filed libels against 888 cases of tomato paste and 1,450 cases of canned tomatoes with puree at New York, N. Y., alleging that the articles had been shipped in interstate commerce within the period from on or about November 7, 1939, to on or about January 12, 1940, by Flotill Products, Inc., in part from Stockton, Calif., and in part from San Francisco, Calif.; and charging that they were adulterated. The tomato paste was labeled in part variously: "Guglielmi Brand Italian Style * * * Packed in U. S. A. For R. C. Williams & Co., Inc."; "Royal Scarlet * * * R. C. Williams & Co., Inc. Distributors"; "Delia Brand * * * Italian Style * * * Packed in California for M. DeRosa, Inc." The canned tomatoes were labeled in part: "Pastene Fancy Italian Style Plum Tomatoes with Puree and Basil Leaf Distributed by Pastene & Co., Inc., New York—Boston—Montreal."

The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The canned tomatoes with puree were alleged to be adulterated in that they consisted in whole or in part of a filthy and decomposed substance.

On February 15 and 19, 1940, Flotill Products, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined, and that those portions found unfit for human consumption be destroyed.

439. Adulteration of tomato paste. U. S. v. 149 Cases, 99 Cases, and 114 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1525, 1526, 1527. Sample Nos. 56478-D, 56479-D, 92377-D.)

Two lots of this product contained worm and insect fragments and excessive mold. The remaining lot contained worm and insect fragments.

On February 26, 1940, the United States attorney for the Western District of New York filed libels against 149 cases of tomato paste at Buffalo, 99 cases of tomato paste at Jamestown, and 114 cases of tomato paste at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by Howard Terminal from Oakland, Calif.; and charging that it was adulterated in that two of the lots consisted wholly or in part of a filthy and decomposed substance, and that the remaining lot consisted wholly or in part of a filthy substance. The article was labeled in part: "Fiamma Pure Tomato Paste * * * Packed by Riverbank Canning Company Riverbank, California."

On March 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

440. Adulteration of canned tomato catsup. U. S. v. 26 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1208. Sample No. 83353-D.)

This product contained worm and insect fragments.

On December 19, 1939, the United States attorney for the Eastern District of Washington filed a libel against 26 cases of canned tomato catsup at Yakima, Wash., alleging that the article had been shipped in interstate commerce on or about November 3, 1938, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Val Vita Brand Tomato Catsup."

On February 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS AND VEGETABLES

Nos. 441 to 444 report the seizure and disposition of dried fruits which were in interstate commerce at the time of examination and were insect-infested at that time.

441. Adulteration of dried apple rings. U. S. v. 18 Cases of Dried Apple Rings. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1495. Sample No. 94930-D.)

Examination of samples showed this product to be insect-infested.

On February 23, 1940, the United States attorney for the Southern District of Florida filed a libel against 18 cases, each containing 36 cartons of dried apple rings, at Tampa, Fla., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by K & K Evaporated Apple Packing Corporation from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The product was labeled in part: "Golden Ring Brand American Dried Apple Rings."

On March 19, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

442. Adulteration of dried prunes. U. S. v. 34 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 768. Sample No. 83206-D.)

On October 19, 1939, the United States attorney for the Western District of Washington filed in the district court a libel praying seizure and condemnation of 34 cases of dried prunes at Bellingham, Wash., alleging that the article had been shipped on or about April 27, 1939, by Guggenbime & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Reliance Brand Santa Clara Prunes Packed for Northern Grocery Co. Bellingham, Wash."

On February 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

443. Adulteration of seedless raisins. U. S. v. 15 Boxes of Seedless Raisins. Default decree of condemnation and destruction. (F. D. C. No. 1184. Sample No. 83439-D.)

On December 15, 1939, the United States attorney for the District of Oregon filed a libel against 15 boxes of seedless raisins at Portland, Oreg., alleging that the article had been shipped on or about October 21, 1939, by Koligian Bros. from Fresno, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Paragon Brand California Choice Thompson Seedless Raisins."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

444. Adulteration of raisins. U. S. v. 201 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 1245. Sample No. 87608-D.)

On January 3, 1940, the United States attorney for the Southern District of Georgia filed a libel against 201 cases of raisins at Augusta, Ga., alleging that the article had been shipped on or about August 7, 1939, by Rosenberg Bros. & Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Ensign Brand California Fancy Thompson Seedless Raisins."

On February 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

445. Adulteration of prunes. U. S. v. 18 Cases of Prunes. Decree of condemnation and destruction. (F. D. C. No. 1487. Sample No. 94925-D.)

This product had been shipped in interstate commerce and was in an interstate status at the time of examination at which time it was found to be insect-infested and decomposed.

On February 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 18 cases of prunes at Tampa, Fla., alleging that the article had been shipped on or about March 27 and August 27, 1937, by California Prune and Apricot Growers Association from San Jose, Calif.; and

charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Golden Glow Brand Prunes."

On February 21, 1940, the owner of the product having consented, judgment of condemnation was entered and the product was ordered destroyed.

446. Adulteration of apple chops. U. S. v. 96 Sacks of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 1292. Sample No. 84873-D.)

This product had been shipped in interstate commerce and was in interstate commerce when examined, at which time it was found to be insect-infested and dirty.

On January 4, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 96 sacks of apple chops at St. Louis, Mo., alleging that the article had been shipped on or about April 20, 1939, by Washington Dehydrated Food Co. from Chelan, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On February 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

447. Adulteration of dried peas. U. S. v. 210 Bags of Dried Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1346. Sample No. 83524-D.)

This product was in interstate commerce when examined, at which time it was found to be in part sour and decomposed. It had been water-soaked and otherwise damaged in a fire which occurred in a freight terminal while it was in transit.

On January 15, 1940, the United States attorney for the District of Oregon filed a libel against 210 bags of dried peas at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 20, 1939, by Wallace Grain & Pea Co. from Palouse, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 26, 1940, P. Harrowitz, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of only in the manner approved by this Department. Each bag was examined by the claimant in order to separate the good peas from the bad, and 160 bags were found to be undamaged and were approved for unconditional release. The product in the remaining 50 bags, after the moldy and decomposed portions were removed, was ground and utilized for hog feed.

MEAT AND MEAT PRODUCTS

CANNED MEAT

448. Adulteration of canned meat. U. S. v. 10 Cases of Boneless Cured Shoulder. Default decree of condemnation and destruction. (F. D. C. No. 1241. Sample No. 78954-D.)

Examination showed that this product was decomposed.

On December 27, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 10 cases of canned meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 7 and September 15, 1939, by Sheriff Street Market & Storage Co. from Cleveland, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Kolding Brand A S K Boneless Mild Cured Danish Skinned Regular Shoulder."

On January 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

POULTRY

Nos. 449 to 459, inclusive, report the seizure and disposition of poultry, samples of which were found to contain evidence of various disease conditions.

449. Adulteration of dressed chickens. U. S. v. 2 Barrels of Chickens. Default decree of condemnation and destruction. (F. D. C. No. 1283. Sample No. 85701-D.)

On January 5, 1940, the United States attorney for the Southern District of New York filed a libel against 2 barrels, containing 155 chickens, at New York,

N. Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1939, by New Prague Produce from New Prague, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

450. Adulteration of dressed poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1388. Sample No. 85713-D.)

On January 23, 1940, the United States attorney for the Southern District of New York filed a libel against 2 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by the Hoerman Packing Co. from Linn, Kans.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

451. Adulteration of dressed poultry. U. S. v. 1 Barrel of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1387. Sample No. 85714-D.)

On January 23, 1940, the United States attorney for the Southern District of New York filed a libel against one barrel of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 15, 1939, by Beatrice Creamery Co. from Chariton, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

452. Adulteration of dressed poultry. U. S. v. 3 Barrel of dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1310. Sample No. 85708-D.)

On January 9, 1940, the United States attorney for the Southern District of New York filed a libel against 3 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 15, 1939, by Beatrice Creamery Co., from Charlton, Iowa; and charging that it was adulterated in that it was entirely or in part the product of a diseased animal. It was labeled in part: "Fox Feed."

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

453. Adulteration of dressed poultry. U. S. v. 3 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1329. Sample No. 85707-D.)

On January 11, 1940, the United States attorney for the Southern District of New York filed a libel against three barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 21, 1939, by New Richland Produce Co. from New Richland, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The barrels were marked: "Fox Feed."

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

454. Adulteration of dressed poultry. U. S. v. 4 Barrels of Dressed Fowls and 9 Barrels of Dressed Chickens. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1254. Sample Nos. 85734-D, 85735-D.)

On December 29, 1939, the United States attorney for the Southern District of New York filed a libel against 13 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1939, by E. G. Morse from Mason City, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and in that it was in whole or in part the product of diseased animals.

On January 20, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

455. Adulteration of dressed poultry. U. S. v. 4 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1359. Sample No 85710-D.)

On January 18, 1940, the United States attorney for the Southern District of New York filed a libel against four barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 8, 1939, by Backman Produce Co. from Waterville, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The barrels were marked: "Fox Feed."

On February 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

456. Adulteration of dressed poultry. U. S. v. 2 Barrels and 2 Barrels of Dressed Poultry. Default decrees of condemnation and destruction. (F. D. C. Nos. 1248, 1261. Sample Nos. 85738-D, 85739-D, 85740-D.)

On December 28, 1939, and January 3, 1940, the United States attorney for the Southern District of New York filed libels against four barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 1 and 9, 1939, by O. G. Harp Poultry & Egg Co. from Shawnee, Okla. and St. Louis, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 16 and 19, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

457. Adulteration of dressed poultry. U. S. v. 11 Barrels of Fowl et al. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 1255 to 1259, incl. Sample Nos. 85729-D to 85733-D, incl.)

On December 28, 1939, the United States attorney for the Southern District of New York filed a libel against 38 barrels of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about November 4 to on or about November 25, 1939, by Fairmont Creamery Co. from Omaha, Nebr.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 9, 1940, Fairmont Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be examined under the supervision of this Department, and that the poultry which was found to be in compliance with the law be segregated from the unfit poultry and that the latter be destroyed.

458. Adulteration of dressed fowl. U. S. v. 13 Barrels of Milk Fed Fowl. Default decree of condemnation and destruction. (F. D. C. No. 1190. Sample No. 66510-D.)

On December 13, 1939, the United States attorney for the Western District of Missouri filed a libel against 13 barrels of milk-fed fowl at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 3, 1939, by Edward Aaron, Inc., from Omaha, Nebr.; and charging that it was in whole or in part the product of diseased animals.

On January 13, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

459. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1210. Sample No. 68467-D.)

On December 19, 1939, the United States attorney for the Southern District of New York filed a libel against two barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 20, 1939, by Producers Cold Storage Co. from Shelbina, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

460. Adulteration of dressed poultry. U. S. v. 2 Barrels of Dressed Poultry. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1191. Sample No. 68466-D.)

Examination showed the presence of decomposed and diseased fowls.

On December 14, 1939, the United States attorney for the Southern District of New York filed a libel against two barrels of dressed poultry at New York,

N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1939, by the Producers Produce Co. from Sedalia, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and in that it was in whole or in part the product of diseased animals.

On January 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

461. Adulteration of frozen poultry. U. S. v. 39 Barrels of M Hens. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 875. Sample No. 46903-D.)

Examination of this product showed that it contained added water and also that some of the birds were diseased.

On November 6, 1939, the United States attorney for the Northern District of Illinois filed a libel against 39 barrels of frozen poultry at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Campbell Soup Co. from Indianapolis, Ind.; and charging that it was adulterated.

The article was alleged to be adulterated in that it was wholly or in part a product of diseased animals. It was alleged to be adulterated further in that water had been substituted wholly or in part for the article and had been added to it so as to increase its bulk or weight.

On December 12, 1939, five barrels of poultry, totaling 783 pounds, having been seized and the Campbell Soup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good portion might be salvaged. The poultry was eviscerated and those showing evidence of disease, or otherwise objectionable condition (60 pounds), were destroyed.

RABBITS

Nos. 462 to 465, inclusive, report the seizure and disposition of rabbits samples of which were found to contain evidence of various disease conditions.

462. Adulteration of rabbits. U. S. v. 7 Barrels of Rabbits. Consent decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 1318. Sample No. 46915-D.)

On January 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against seven barrels of rabbits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 3, 1940, by the Producers Cold Storage Co. from Shelbina, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On January 26, 1940, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

463. Adulteration of rabbits. U. S. v. 3,000 Rabbits. Default decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 1317. Sample No. 46914-D.)

On January 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 3,000 rabbits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 3, 1940, by Carl Lamb from Centerville, Iowa; and charging that it was adulterated in that it was in whole or in part a product of diseased animals.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

464. Adulteration of rabbits. U. S. v. 2,000 Rabbits. Default decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 1319. Sample No. 46916-D.)

On January 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 2,000 rabbits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 30, 1939, by McGoldrick's Produce from Glenwood, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered converted into fertilizer.

465. Adulteration of rabbits. U. S. v. 90 Baskets of Rabbits. Default decree of condemnation and destruction. (F. D. C. No. 1316. Sample No. 46913-D.)

On January 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 90 baskets of rabbits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by Lodenberg Produce from Wyaconda, Mo.; and charging that it was adulterated in that it was in whole or in part a product of diseased animals.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be converted into fertilizer.

NUTS AND NUT PRODUCTS

Nos. 466 to 468 report the seizure and disposition of nuts that were in interstate commerce when examined and were found to be in part moldy, decomposed, and worm- or insect-damaged at that time.

466. Adulteration of shelled walnuts. U. S. v. 11 Cases of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1232. Sample No. 74880-D.)

On December 26, 1939, the United States attorney for the District of Minnesota filed a libel against 11 cases, each containing 25 pounds of shelled walnuts, at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 25, 1939, by the Pacific Coast Nut House from San Jose, Calif.; and charging adulteration in that it consisted in whole or in part of a filthy and decomposed substance.

On February 10, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

467. Adulteration of walnut halves. U. S. v. 104 Cartons of Shelled Walnuts. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. D. C. No. 1334. Sample No. 85616-D.)

On January 11, 1940, the United States attorney for the Southern District of New York filed a libel against 104 cartons of walnut halves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 13, 1939, by Graessle & Flaherty from El Monte, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "California Shelled Walnuts T. M. Duche & Sons, Inc. Boston New York Chicago."

On February 8, 1940, T. M. Duche & Sons, Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit nuts be removed by hand picking and destroyed.

468. Adulteration of black walnuts. U. S. v. 191 Bags of Black Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1076. Sample No. 68071-D.)

On November 24, 1939, the United States attorney for the Southern District of New York filed a libel against 191 bags of black walnuts in the shell at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 29, 1937, by L. Demartini from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On December 12, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

469. Adulteration of almonds in shell. U. S. v. 45 Sacks of Almonds. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1289. Sample No. 73129-D.)

This product was in interstate commerce at the time of examination and was found to contain wormy, moldy, and gummy nuts at that time.

On or about January 8, 1940, the United States attorney for the Western District of Washington filed a libel against 45 sacks of almonds in shell at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, or was otherwise unfit for food. It was labeled in part: "Ensign Brand California I X L Almonds."

On January 29, 1940, the Kelley-Clarke Co., Tacoma, Wash., having appeared as claimant and having consented to the entry of a decree, judgment of con-

demnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of this Department.

470. Adulteration of almonds. U. S. v. 6 Bags of Almonds in Shell. Default decree of condemnation and destruction. (F. D. C. No. 1028. Sample No. 73649-D.)

This product was in interstate commerce at the time of examination and was found to be wormy at that time.

On November 21, 1939, the United States attorney for the District of Massachusetts filed a libel against six bags of almonds at Boston, Mass., alleging that the article had been shipped on or about November 14, 1938, by Wm. A. Camp from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Tip Top Brand * * * Packed by B & O Nut Corporation San Francisco Calif."

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 471 to 474 report the seizure and disposition of nuts which were in interstate commerce at the time of examination and which were found to be in part moldy, rancid, or decomposed at that time.

471. Adulteration of almonds and Brazil nuts. U. S. v. 40 Bags and 8 Bags of Brazil Nuts. Decrees of condemnation. Portion of Brazil nuts ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 1233, 1234. Sample Nos. 83164-D, 83185-D.)

On December 26, 1939, and January 2, 1940, the United States attorney for the Southern District of Florida filed libels against 40 bags of Brazil nuts at Tampa, Fla., and 8 bags of Brazil nuts at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about September 30 and November 21, 1939, by Wm. A. Camp Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Tropical Brand New Crop."

On February 9, 1940, no claimant having appeared for the lot seized at Miami, Fla., judgment of condemnation was entered and the lot was ordered destroyed. On February 15, 1940, Saffold Bros. Produce Co., of Tampa, Fla., claimant for the lot seized at Tampa, having consented to the entry of a decree and having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be disposed of in conformity with the law.

472. Adulteration of Brazil nuts. U. S. v. 325 Bags, et al., of Brazil Nuts. Consent decree of condemnation. Product ordered released under bond for separation and destruction of bad portion. (F. D. C. No. 994. Sample Nos. 81301-D, 81302-D, 81303-D, 81306-D, 81307-D, 81308-D.)

On November 16, 1939, the United States attorney for the Western District of New York filed a libel against 325 bags of Brazil nuts at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about September 20 and October 4, 1939, by General Foods Sales Co., Inc., from Hoboken, N. J.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "King Cole Brites Large Brazil Nuts."

On November 28, 1939, General Foods Sales Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for segregation and destruction of portion found to be bad.

473. Adulteration of pecan pieces. U. S. v. 10 Cartons of Pecan Pieces. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1164. Sample No. 74875-D.)

On December 8, 1939, the United States attorney for the District of Minnesota filed a libel against 10 cartons of dark pecan pieces at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 25, 1939, by Travis Pecan Co. from San Antonio, Tex., and charging that it was adulterated in that it consisted wholly and in part of a decomposed substance.

On January 24, 1940, no claimant having appeared, a default decree of condemnation and forfeiture was entered and the product was ordered destroyed.

474. Adulteration of pine nuts. U. S. v. 12 Sacks of Pine Nuts. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1179. Sample No. 56454-D.)

On December 11, 1939, the United States attorney for the Northern District of California filed a libel against 12 sacks, containing 970 pounds of pine nuts, at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about October 6, 1939, by A. Levy and J. Zentner from Reno, Nev.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 30, 1940, no claimant having appeared, a default decree of condemnation and forfeiture was entered and the product was ordered destroyed.

475. Adulteration of shelled pecans. U. S. v. 5 Cases of Shelled Pecans. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1185. Sample No. 74878-D.)

This product was in interstate commerce when examined, at which time it was found to be rancid and insect-infested.

On December 13, 1939, the United States attorney for the District of Minnesota filed a libel against five cases of shelled pecans at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 20, 1938, by the Alamo Pecan Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Superior Brand Alamo Shelled Pecans."

On January 24, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

476. Adulteration of chopped nuts. U. S. v. 4 Cases of Karioka Toasted Chopped Nuts. Default decree of condemnation and destruction. (F. D. C. No. 1200. Sample No. 74895-D.)

This product was in interstate commerce when examined, at which time it was found to be insect-infested.

On December 19, 1939, the United States attorney for the District of Minnesota filed a libel against four cases, each containing 70 pounds of Karioka toasted chopped nuts, at Rochester, Minn., alleging that the article had been shipped in interstate commerce on or about October 13, 1939, by Hitchcock Pecan Co. from Galveston, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On February 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

477. Adulteration of shelled walnuts. U. S. v. 30 Cartons of Shelled Walnuts. Consent decree of condemnation. Product released to claimant under bond for reconditioning. (F. D. C. No. 1228. Sample No. 90907-D.)

This product was in interstate commerce when examined, and was found to be in part worm-eaten at that time.

On December 22, 1939, the United States attorney for the Western District of Washington filed a libel against 30 cartons, each containing 25 pounds of shelled walnuts, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by the California Walnut Growers Association from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "California Suntand Brand Shelled Walnuts."

On February 20, 1940, the California Walnut Growers Association having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. The nuts were hand-sorted and the unfit portion was destroyed.

Nos. 478 to 480 report the seizure and disposition of pecans which were in interstate commerce at the time of examination and which were found to be in part shriveled. Empty shells were found in the lots covered by Nos. 478 and 480.

478. Adulteration of pecans. U. S. v. 25 Sacks of Pecans. Default decree of condemnation and destruction. (F. D. C. No. 1175. Sample No. 47888-D.)

On December 9, 1939, the United States attorney for the Eastern District of Virginia filed a libel against 25 sacks of pecans at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about October 29, 1939, by Woods Farm from Pinehurst, Ga.; and charging that it was adulterated

in that it consisted in whole or in part of a decomposed substance, and was otherwise unfit for food.

On February 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

479. Adulteration of shelled pecans. U. S. v. 4 Boxes of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 1295. Sample No. 89017-D.)

On January 6, 1940, the United States attorney for the Northern District of Illinois filed a libel against four boxes of shelled pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 8, 1939, by W. H. Robinson from Cairo, Ga.; and charging that it was adulterated in that it was unfit for food.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

480. Adulteration of pecans. U. S. v. 47 Bags, 32 Bags, and 16 Bags of Pecans. Default decrees of condemnation and destruction. (F. D. C. Nos. 1202, 1203, 1204. Sample Nos. 47889-D, 47890-D, 47891-D.)

On December 16, 1939, the United States attorney for the Eastern District of Virginia filed libels against 47 bags of pecans at Richmond, and 48 bags of pecans at Petersburg, Va., alleging that the article had been shipped on or about October 23 and 29, 1939, by E. M. Boyles from Jasper and Pinehurst, Ga., respectively; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food.

On February 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PEANUT BUTTER

481. Adulteration and misbranding of peanut butter. U. S. v. 26 Cases and 97 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1235, 1368. Sample Nos. 77716-D, 77717-D.)

Samples of this product were found to contain sand and dirt. One lot also contained a small amount of ground glass. Both lots were short of the declared weight.

On December 22, 1939, and January 17, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 123 cases of peanut butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 8 and 29, 1939, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Jo-Jo Brand [or "Lily Brand"] Peanut Butter."

Adulteration was alleged (with respect to one lot) in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food; and (with respect to the other lot) in that it consisted in whole or in part of a filthy substance.

The article was alleged to be misbranded in that the statements on the labels, (Jo-Jo brand) "1 lb. Net" and (Lily brand) "32 Ozs. Net," were false and misleading since they were incorrect. It was alleged to be misbranded further in that the article was in package form and its label did not bear an accurate statement of the quantity of contents.

On February 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

482. Adulteration of peanut butter. U. S. v. 17 Cases and 27 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1003. Sample No. 79081-D.)

Samples of this product were found to contain dirt.

On November 25, 1939, the United States attorney for the Western District of South Carolina filed a libel against 44 cases of peanut butter at Spartanburg, S. C., alleging that the article had been shipped on or about September 20, 1939, by Newton Products Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, dirt. The article was labeled in part: "Jolly Good Peanut Butter Made from Selected Blended Peanuts. Newton Products Co. Cincinnati, O. Atlanta, Ga."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

483. Adulteration of peanut butter. U. S. v. 9 Cases and 35 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1236. Sample No. 87299-D.)

This product contained sand and clay.

On December 28, 1939, the United States attorney for the Western District of South Carolina filed a libel against 44 cases of peanut butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about November 21, 1939, by the Newton Products Co. from Atlanta, Ga.; and charging that it was adulterated in that it contained sand and clay, and was otherwise unfit for food. It was labeled in part: "Jolly Good Peanut Butter."

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

484. Adulteration of peanut butter. U. S. v. 164 Cartons and 75 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1031, 1077. Sample Nos. 47774-D, 47775-D, 47776-D, 78534-D.)

Samples taken from one shipment of this product were found to contain dirt; those taken from the other shipment were found to contain dirt, insect fragments, and rodent hairs.

On November 20 and 24, 1939, the United States attorney for the Southern District of West Virginia filed libels against 164 cartons of peanut butter at Bluefield, W. Va., and 75 cases of peanut butter at Mullens, W. Va., alleging that the article had been shipped in interstate commerce on or about September 18 and October 2, 1939, by Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it contained filthy, putrid, and decomposed substances, and was otherwise unfit for food. It was labeled in part: "Golden Tint Brand Peanut Butter."

On January 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

485. Adulteration of peanut butter. U. S. v. 134 Cases, 49 Cases, and 85 Cases of Peanut Butter (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 1287, 1293, 1294, 1383, 1432, 1474. Sample Nos. 61455-D, 61456-D, 61457-D, 61641-D, 61642-D, 61643-D, 61795-D, 61796-D, 62001-D, 62500-D, 64956-D.)

This product contained sand and dirt. Insect fragments and excreta, rodent excreta, and rodent hairs were also found in samples taken from certain lots.

Between January 5 and February 15, 1940, the United States attorneys for the Southern District of Mississippi, Western and Eastern Districts of Louisiana, and the Middle District of Tennessee filed libels against the following lots of peanut butter: 268 cases at Gulfport, Miss.; 173 cases at Shreveport, La.; 225 cases at New Orleans, La.; and 199 cases at Nashville, Tenn. (the libel filed in the Middle District of Tennessee was amended on February 21, 1940), alleging that the article had been shipped in interstate commerce within the period from on or about September 19 to on or about November 22, 1939, by J. D. Johnston, Jr., Co. from Brundidge, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jars) "Johnston's * * * Peanut Butter * * * Packed by J. D. Johnston Jr., Co."; or "Sunrayed Brand Peanut Butter * * * Packed by Southern Foods Brundidge, Ala."

Between February 21 and March 18, 1940, no claimant having appeared, judgments of condemnation were entered and the product, with the exception of one lot, was ordered destroyed. The product seized at Nashville, Tenn., was ordered sold as feed for animals or poultry.

OLIVE OIL

486. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 1284. Sample No. 83457-D.)

This product was labeled Italian olive oil but contained 50 percent or more of cottonseed oil, and it also was short of the declared volume.

On January 5, 1940, the United States attorney for the District of Oregon filed a libel against 10 cases of olive oil at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 13, 1939, by S. Trusso from Oakland, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, cottonseed oil, had been substituted in part therefor; in that inferiority had been concealed;

and in that cottonseed oil had been added thereto and mixed and packed therewith so as to reduce its quality or strength or to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading when applied to an article that was short volume and that contained a great deal of cottonseed oil: (Can) "One gallon net Italian Product imported virgin olive Oil Superfine Brand Lucca Italy. Prodotto Italiano Olio D'Oлива Vergine Importato Sopraffino Lucca Italia. This Olive Oil is guaranteed to be absolutely pure under any chemical analysis. * * * Quest Olio D'Oлива E. Garantito Assolutamente Puro Soto Qualsiasi Analisi Chimica." It was alleged to be misbranded further in that it was offered for sale under the name of another article; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On March 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

487. Misbranding of olive oil. U. S. v. 21 Cans of Olive Oil. Decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. D. C. No. 1464. Sample Nos. 58760-D, 75634-D.)

Examination showed the containers of this product to be short of the declared volume.

On February 7, 1940, the United States attorney for the Southern District of Ohio filed a libel against 21 cans of olive oil at Cincinnati, Ohio, consigned on or about September 20, 1939, alleging that the article had been shipped in interstate commerce by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Campanello Brand."

The article was alleged to be misbranded in that the statement on the label, "Contents One Gallon," was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On March 15, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be delivered to a charitable institution on condition that the statement of the quantity of contents be obliterated.

CANDY

Nos. 488 to 492 report the seizure and disposition of candy which was in interstate commerce when examined and which was found to be insect-infested at that time.

488. Adulteration of candy. U. S. v. 11 Boxes and 26 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 973, 974. Sample Nos. 58130-D, 58131-D.)

On November 21, 1939, the United States attorney for the District of Arizona filed a libel against 37 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped by the Euclid Candy Co. of California, Inc., within the period from on or about April 21 to on or about June 28, 1939, in part from Los Angeles, and in part from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Euclid's Pecan Roll" or "Cardinal Bar."

On January 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

489. Adulteration of milk chocolate. U. S. v. 7 Boxes of Milk Chocolate. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 743. Sample No. 58056-D.)

On October 18, 1939, the United States attorney for the District of Arizona filed a libel against seven boxes, each containing 26 bars of milk chocolate, at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about December 24, 1938, by the Melster Candy Co. from Cambridge, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Melsters Swiss * * * Milk Chocolate Melster Candies, Inc."

On January 8, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

490. Adulteration of candy. U. S. v. 23 Cartons and 11 Cartons of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 506, 1032. Sample Nos. 61398-D, 63132-D.)

On August 28 and November 25, 1939, the United States attorney for the Western District of Louisiana and the Southern District of Mississippi filed libels against 23 cartons of candy at De Ridder, La., and 11 cartons of candy at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about April 27 and June 23, 1939, by Brock Candy Co. from Chattanooga, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Brock's Cocoanut Ambrosia" or "Mr A Milk Nut Roll."

On December 15, 1939, and March 19, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

491. Adulteration of candy. U. S. v. 41 Boxes and 10 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 816, 867. Sample Nos. 58078-D, 58110-D.)

On or about October 26 and November 9, 1939, the United States attorney for the District of Arizona filed libels against 41 boxes of candy at Tucson, Ariz. and 10 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about June 15 and August 17, 1939, by the Hollywood Candy Co. from Centralia, Il.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Milk Shake 1 Cent" or "Zero."

On December 19, 1939, and February 5, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

492. Adulteration of candy. U. S. v. 12 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 868. Sample No. 58111-D.)

On November 9, 1939, the United States attorney for the District of Arizona filed a libel against 12 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about January 27, 1939, by Colby & McDermott from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Abba Zaba 1 Cent."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

493. Adulteration of candy. U. S. v. 4 Cartons of Mello Mint Puffs and 8 Cartons of Melo-O Beans. Default decree of condemnation and destruction. (F. D. C. No. 1350. Sample Nos. 78460-D, 78462-D.)

Samples of this product were found to contain rodent hairs.

On or about January 20, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 12 cartons of candy at Ronceverte, W. Va., alleging that the article had been shipped in interstate commerce on or about September 12, 1939, by Harris-Woodson Co., Inc., from Lynchburg, Va.; and charging that it was adulterated in that it contained rodent hairs and was otherwise unfit for food. It was labeled in part: "Melco Sealed Candy" or "Melco Fine Confections."

On February 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

494. Adulteration of candy. U. S. v. 182 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1451. Sample No. 68469-D.)

This candy was wrapped in lead foil wrappers which had thin tissue liners. The foil wrapper contained about 91 percent of lead, and analysis of the candy showed that it also contained lead.

On February 6, 1940, the United States attorney for the Southern District of New York filed a libel against 182 boxes of candy at New York, N. Y., alleging that the article had been shipped from Genova, Italy, on or about October 27, 1939, by Caricatori Riuniti; and charging that it was adulterated. The article was labeled in part: "Torrone Motta * * * Made in Italy."

It was alleged to be adulterated in that it bore or contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health; in that it bore or contained an added poisonous or added deleterious substance, lead, which is unsafe within the meaning of the statute; and in that its container (the lead foil wrapping) was composed in whole

or in part of a poisonous or deleterious substance which might have rendered it injurious to health.

On February 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

495. Misbranding of confectionery. U. S. v. 988 Boxes of Colonial Maid Confection. Default decree of condemnation and destruction. (F. D. C. No. 595. Sample No. 73931-D.)

These packages each contained a quantity of candy and a prize, the two together occupying on the average slightly less than one-half of the capacity of the package.

On September 14, 1939, the United States attorney for the District of Massachusetts filed a libel against 988 boxes of Colonial Maid Confection at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 22, 1939, by the Casey Concession Co. from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Colonial Maid Confection * * * One Ounce or Over."

On January 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

496. Adulteration and misbranding of candy. U. S. v. 15½ Dozen Boxes of Mrs. Murray's Summer Confections and 3 Cases of Mrs. Murray's Creamy Caramellettes. Default decree of condemnation. Product delivered to charitable institutions. (F. D. C. Nos. 665, 666. Sample Nos. 66690-D, 66691-D.)

The Summer Confections contained little or no chocolate, little or no fruit, and little or no butter, ingredients which the labeling represented were present in the article. Their containers had false bottoms and extension edges, and were wrapped in colored cellophane, which created the impression that each box was larger than it was. Furthermore, the candy occupied not more than 28 percent of the capacity of the box. The Creamy Caramellettes consisted of taffy candy wrapped in paper with twisted ends. The candy, when closely packed, occupied slightly more than one-half of the capacity of the box. The declaration of weight on the boxes of the Creamy Caramellettes was incorrect and the statement of contents on the box of the Summer Confections gave no accurate indication of the amount of food in the package.

On or about November 3, 1939, the United States attorney for the Western District of Missouri filed libels against the above-stated quantities of candy at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 8, 1939, by the Casey Concession Co. from Chicago, Ill.; and charging that it was misbranded and that one lot was also adulterated.

The product labeled "Summer Confections" was alleged to be adulterated in that an article containing little or no chocolate, fruit, or butter had been substituted wholly or in part for it. It was alleged to be misbranded in that the statement on the label, "Orchard Fruits * * * Marmalades Butter Cream Chocolates Opera Fruit Nougats Tropical Fruit Rolls," was false and misleading since these ingredients were not present. It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents, since the statement "Contents 15 Pieces or Over" gave no accurate indication of the amount of food in the package.

The product labeled "Creamy Caramellettes" was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement "Net Weight 10 Ozs. or Over" was false or misleading, since the packages did not contain 10 ounces but did contain a smaller amount. It was alleged to be misbranded still further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.

497. Misbranding of candy. U. S. v. 6 Boxes, 56 Boxes, and 9 Boxes of Candy. Consent decree of condemnation. Product ordered delivered to a Government hospital. (F. D. C. Nos. 854, 855, 856. Sample Nos. 70683-D, 70684-D, 70685-D.)

One lot of candy labeled "Sweet's Salt Lake Cordial Cherries" was contained in cardboard boxes with extension edges and with a false bottom $\frac{7}{16}$ inch

high, the total height of the box being $1\frac{1}{2}$ inches. The candy was in one layer. The statement of the quantity of contents was inconspicuously placed on a side panel. The second lot labeled "Sweet's Salt Lake DeLuxe Chocolates" was contained in cardboard boxes with extension edges. Each box contained 2 layers. The top layer had 15 pieces of candy. The bottom layer was divided by 2 cardboard strips which permitted packing but 10 pieces. A third lot labeled "Sweet's Salt Lake Cherry Cocktails" was also contained in cardboard boxes. The candy was in a single layer. Two pieces of cardboard in the bottom of the box totaled approximately $\frac{1}{4}$ inch in height, the total height of the box being $1\frac{5}{16}$ inches. The quantity of contents statement was inconspicuous and was incorrect.

On November 29, 1939, the United States attorney for the District of Wyoming filed a libel praying seizure and condemnation of 71 boxes of candy at Cheyenne, Wyo., alleging that the article had been shipped in interstate commerce on or about September 28, October 6 and 27, 1939, by Sweet Candy Co., from Salt Lake City, Utah; and charging that it was misbranded.

All lots were alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. Two lots were alleged to be misbranded further in that the statement of the quantity of contents required by the statute to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by an ordinary individual under customary conditions of purchase and use. One lot was alleged to be misbranded further in that the statement "Net Weight 10 Ounces" was false and misleading since it was not correct, the average net weight of the contents of the boxes being 9.64 ounces.

On December 21, 1939, Sweet Candy Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, the decree containing a provision that the product might be taken down under bond for repacking or other lawful disposition. On February 2, 1940, the claimant having failed to comply with the conditions of the decree, the product was ordered delivered to a Government hospital.

498. Misbranding of assorted chocolates. U. S. v. 84 Dozen Boxes and 40 Dozen Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 774. Sample Nos. 68029-D, 68030-D.)

In one lot of this candy the boxes had false bottoms which occupied $18\frac{3}{4}$ percent of the inside volume of the box. In the other lot the boxes were cellophane-wrapped, the tops and bottoms of the boxes extending beyond the sides; and the lower layer of candy contained fewer pieces than the upper layer. The boxes in the latter lot could have held an average of eight additional pieces of candy. The statement of the quantity of the contents was placed on the side of the boxes in both instances.

On October 19, 1939, the United States attorney for the District of New Jersey filed a libel against 124 dozen boxes of assorted chocolates at Bayonne, N. J., alleging that the article had been shipped in interstate commerce on or about July 19, August 31, and September 13, 1939, by D. Arnould Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Treat Package [or "Colonial Fine"] Assorted Chocolates * * * Colonial Candy Co., Bayonne, N. J."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of the contents required by law to appear upon the label was not prominently placed thereon with such conspicuousness as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On January 24, 1940, a default decree of condemnation, forfeiture, and destruction was entered.

499. Misbranding of chocolate-covered cherries. U. S. v. 17 Cases of Chocolate Covered Cherries. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1169. Sample No. 70957-D.)

Examination showed that the boxes contained two layers of chocolate-covered cherries, the individual pieces having been separated by cardboard partitions and each layer supposedly containing 12 pieces. However, some of the compartments in the bottom layer were not filled. The net contents was less than 1 pound, the weight declared on the label.

On December 8, 1939, the United States attorney for the District of Utah filed a libel against 17 cases, each containing 24 boxes of chocolate-covered cherries, at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 13, 1939, by Crystal Candies, Inc., from Denver, Colo.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement on the box, "Net Weight 1 Pound," was false and misleading since it was incorrect. It was alleged to be misbranded further in that the container was so made, formed, or filled as to be misleading. It was alleged to be misbranded still further in that it was in package form and did not bear on the label an accurate statement of the quantity of the contents.

On January 27, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

500. Misbranding of candy. U. S. v. 517 Boxes of Gold Crest Confections and 206 Boxes of Nuts & Fruits Creams. Default decree entered. Product ordered distributed to charitable institutions. (F. D. C. No. 732. Sample Nos. 68026-D, 68027-D.)

The Gold Crest Confections were contained in a flat rectangular box wrapped in cellophane and opened at both ends, the candy occupying less than 40 percent of the available space in the box. The boxes containing the Nuts & Fruits Creams had extension edges, were wrapped in colored cellophane and had false bottoms $\frac{3}{4}$ -inch in depth. The latter boxes contained two layers of candy, the bottom layer containing fewer pieces than did the upper layer. The quantity of contents declarations on the boxes of both kinds were inconspicuously placed upon one end of the boxes and were covered with several thicknesses of cellophane. The article was also short in weight.

On or about October 16, 1939, the United States attorney for the District of Connecticut filed a libel against 517 2-ounce boxes and 206 1-pound boxes of candy at Ridgefield, Conn., alleging that the article had been shipped in interstate commerce on or about September 27 and October 3, 1939, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on the boxes, (Gold Crest Confections) "2 Oz. or over," and "Nuts & Fruits Creams Net Weight One Pound," were false and misleading when applied to an article that was short in weight. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading; in that it was in package form and did not bear an accurate statement of the quantity of the contents; in that the statement of the quantity of the contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On November 14, 1939, no claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions.

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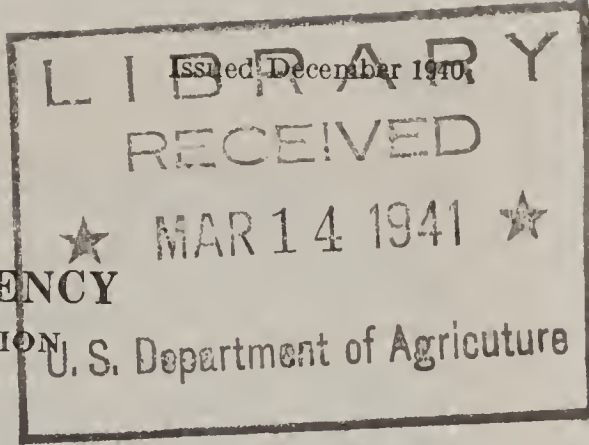
SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Aaron, Edward, Inc.:		Brock Candy Co.:	
poultry, dressed-----	458	candy-----	490
Alamo Pecan Co.:		Brown's Hungarian Corporation:	
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Arlington Canning Co.:		Burrus Mill & Elevator Co.:	
peas, canned-----	416	whole wheat flour-----	359
Armeur & Co.:		Bussler, Martha E., Inc.:	
eggs, frozen-----	393	vegetable soup-----	426
Arnould, D., Co.:		Calcasieu Macaroni Manufacturing Co.:	
candy-----	498	flour-----	340
Backman Produce Co.:		California Marine & Curing Packing Corporation:	
poultry, dressed-----	452, 455	mackerel, canned-----	398
Barland, Herb:		California Prune & Apricot Growers Assoc.:	
apples-----	405	prunes-----	445
Bassett Cooperative Creamery:		California Walnut Growers Assoc.:	
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Beatrice Creamery Co.:		Camp, Wm. A.:	
poultry, dressed-----	451	almonds-----	470
Beutel Pickling & Canning Co.:		Camp, Wm. A., Co., Inc.:	
tomato catsup-----	427	nuts-----	471
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corn meal-----	356	poultry, frozen-----	461
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almonds-----	470		
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Clements, Harold:		olive oil-----	487
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Clinton Creamery:		corn meal-----	355
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Colonial Milling Co.:		Goyert & Vogel Co.:	
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Colonial Shrimp Co.:		Graessle & Flaherty:	
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canned field peas with snaps-----	421	butter-----	384
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Crystal Candies, Inc.:		prunes-----	442
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Cusimano, J., & Co.:		cake flour-----	350
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Dan Valley Mills:		mackerel, canned-----	397, 398
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Dannemiller Coffee Co.:		hot sauce-----	434
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cookies-----	370	candy-----	493
De Hut, E. E.:		Hays City Flour Mills:	
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Delight Sweets, Inc.:		Hecker, Harold:	
candy-----	500	cream-----	392
Demartini, L.:		Hitchcock Pecan Co.:	
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De Rosa, M., Inc.:		Hoerman Packing Co.:	
tomato paste-----	438	poultry, dressed-----	450
Dick, James A., Co.:		Hollywood Candy Co.:	
corn meal-----	358	candy-----	491
Draut, E. F.:		Hopkinsville Milling Co., Inc.:	
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walnut halves-----	467	flour-----	340
Eagle Roller Mill Co., Inc.:		Howard Terminal:	
corn meal-----	357	tomato paste-----	439
Ehrat Chase Co.:		Hunter, Walton & Co.:	
grated cheese-----	391	butter-----	377
Ellis, Wm. J., & Co., Inc.:		Independent Grocers Alliance:	
apples-----	401	hot sauce-----	435
Enid Cooperative Creamery Association:		Iowa Canning Co.:	
butter-----	380	pumpkin, canned-----	422
Essex Warehouse Co.:		Isaly Dairy Co.:	
peas, canned-----	418	butter-----	388
Euclid Candy Co.:		Isaly's Creamery Products, Inc.:	
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Fairmont Creamery Co.:		Ismert-Hincke Milling Co.:	
poultry, dressed-----	457	flour-----	344
Famales, Gust:		Israeloff, Hyman:	
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Farmers Union Creamery Co.:		Jugler, F. A.:	
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apples-----	408	Producers Peanut Co., Inc.:	
Lawrenceburg Roller Mills Co.:		peanut butter-----	481
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Leich, Charles, & Co.:		poultry, dressed-----	460
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Levy, A.:		flour-----	352
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Lexington Mill & Elevator Co.:		apples-----	401
corn flour-----	360	Randolph, Donald:	
Lexington Roller Mills Co., Inc.:		apples-----	401
flour-----	336	Randolph Wholesale Grocery Co.:	
Light Grain & Milling Co.:		cherries, canned-----	415
corn meal-----	358	Reeves Parvin & Co.:	
Liquor Dealers Supply Co.:		tomato juice-----	326
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Lodenberg Produce:		rice-----	369
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Matlock Brokerage Co.:		apples-----	401
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McGulrick's Produce:		butter-----	379, 386
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McGowan, V. C.:		candy-----	494
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Melster Candies, Inc.:		tomato paste-----	439
milk chocolate-----	489	Robinson, W. E., & Co.:	
Melster Candy Co.:		tomato catsup-----	429
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Mero Mills:		Robinson, W. H.:	
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Mountain City Mill Co.:		hot sauce-----	435
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National Food Products Co.:		apples-----	411
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National Grocery Co.:		flour-----	337
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Newton Products Co.:		self-rising flour-----	354
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Northern Grocery Co.:		peanut butter-----	485
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flour-----	348	rye meal-----	346
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Pacific Coast Nut House:		butter-----	378
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Pacific Fruit & Produce Co.:		tomato puree-----	430
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Palca Fruit Growers, Inc.:		bonita, canned-----	399
oranges-----	413	Sunflower Creamery:	
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Travis Pecan Co.:		Washington Dehydrated Food Co.:	
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Troy Apple Growers Association:		Wells, W. M.:	
apples-----	403	shrimp, frozen-----	395
Trusso, S.:		West Side Wholesale Grocery Co.:	
olive oil-----	486	peas, canned-----	417, 418
Uco Food Corporation:		Williams, R. C., & Co., Inc.:	
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Union Fish Co.:		Wilson & Co.:	
oysters-----	400	butter-----	390
United Creameries Service:		Wolf Milling Co.:	
butter-----	385	flour-----	339
Universal Mills:		Woods Farm:	
flour-----	341	pecans-----	478
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FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

501-700

FOODS

The cases reported herein were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

WAYNE COY, *Acting Administrator, Federal Security Agency.*

Washington, D. C., October 3, 1940.

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BEVERAGES AND BEVERAGE MATERIALS

FRUIT JUICES

501. Misbranding of grapefruit juice. U. S. v. 59 Cases of Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 1652. Sample No. 86856-D.)

The bottle containers of this product were found to be short of the declared volume.

On March 16, 1940, the United States attorney for the District of Massachusetts filed a libel against 59 cases, each containing 24 bottles, of grapefruit juice at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about April 11, 1939, by the McAllen Canning Co. from McAllen, Tex.; and charging that it was misbranded. It was labeled in part: "Sunny South Brand Unsweetened Grapefruit Juice."

The article was alleged to be misbranded in that the statement "Contents 13¼ fl. oz.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 29, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

502. Misbranding of prune juice. U. S. v. 20 Cases of Prune Juice. Default decree of condemnation and forfeiture. Product distributed to charitable organizations. (F. D. C. No. 1338. Sample No. 83452-D.)

Examination showed the containers of this product to be short of the declared volume, the average shortage being 7.87 percent.

On January 11, 1940, the United States attorney for the Southern District of California filed a libel against 20 cases, each containing 6 cans, of the juice of dried prunes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 18, 1939, by H. S. Gile & Co. from Salem, Oreg.; and charging that it was misbranded. The article was labeled in part: "Oregon State Prize Brand Unsweetened Juice of Oregon Dried Prunes Water Added. * * * Net Contents 98.8 Fluid Ounces."

It was alleged to be misbranded in that its labeling was false and misleading. It was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On April 16, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered delivered to charitable organizations.

503. Adulteration of tomato juice. U. S. v. 621 Cases, 70 Cases, and 336 Dozen Cans of Tomato Juice. Decrees of condemnation and destruction. (F. D. C. Nos. 1369, 1446, 1447. Sample Nos. 68641-D, 85617-D, 86261-D.)

This product was found to contain excessive mold, indicating the presence of decomposed material.

On January 17 and February 5, 1940, the United States attorneys for the District of New Jersey and the Southern District of New York filed libels against 621 cases of tomato juice at Newark, N. J., and 70 cases and 336 dozen cans of tomato juice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by the Apte Bros. Canning Co. from Milton, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The product was labeled in part: "Iona Tomato Juice * * * Packed for the Great Atlantic & Pacific Tea Co., Distributors, New York, N. Y."

On April 26 and May 15, 1940, the Apte Bros. Canning Co., claimant in both cases, having defaulted in the action instituted in the Southern District of New York and having consented to the entry of a decree in the action instituted in the District of New Jersey, judgments of condemnation were entered, and it was ordered that the product be destroyed and that the costs be taxed against the claimant.

COFFEE AND TEA

504. Adulteration and misbranding of coffee. U. S. v. 9 Cartons of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 1433. Sample No. 65126-D.)

Examination of this product showed that it was a mixture of coffee, cereal, and seeds of foxtail grass.

On February 2, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 9 cartons, each containing 30 bags of coffee, at Stanford, Ky., alleging that the article had been shipped in interstate commerce on or about January 13, 1939, by the Koenig Coffee Co., from Cincinnati, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Koenig's Fresh Roasted Spoon Coffee * * * Packed By the J. Henry Koenig Co., Cincinnati."

The article was alleged to be adulterated in that a mixture of coffee, cereal, and seeds of foxtail grass had been substituted wholly or in part for coffee; and in that cereal and foxtail grass seeds had been added to or mixed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the statement "Coffee" was false and misleading when applied to a mixture of coffee, cereal, and foxtail grass seeds; and in that it was offered for sale under the name of another food.

On February 27, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization or association, since it was not deleterious and was fit for human consumption.

505. Misbranding of tea. U. S. v. 90 Packages and 91 Packages of Tea. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. Nos. 707, 708. Sample Nos. 47837-D, 47838-D.)

This product was in packages that were much larger than necessary to hold the declared amount of tea, it was short of the declared weight, and on the

label of one lot the weight was stated in terms of grams, which unit of weight is not familiar to many persons.

On or about October 10, 1939, the United States attorney for the Western District of Virginia filed a libel against 181 packages of tea at Danville, Va., consigned by Stephen Leeman Products Corporation, alleging that the article had been shipped in interstate commerce on or about July 6, 1939, from Sparkill, N. Y.; and charging that it was misbranded. The article was labeled in part: "Ming Orange Pekoe Choicest Tea Net Weight 7 Ounces"; and "Ming Blend of Orange Pekoe Tea Net Weight Over 70 Grams. Stephen Leeman Products Corp'n."

Both brands were alleged to be misbranded in that the statements, "Net Weight 7 Ounces" and "Net Weight Over 70 Grams," were false and misleading since they were incorrect. Both lots were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading; and in that they were in package form and did not bear an accurate statement of the quantity of contents. The Ming Blend tea was alleged to be misbranded further in that the statement of the quantity of contents, required by law to appear on the label, was not placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the term "grams" is not familiar to many purchasers.

On March 22, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be delivered to a charitable organization for its own use.

506. Misbranding of tea balls. U. S. v. 14 Cartons of Tea Balls. Default decree of condemnation. Product ordered delivered to a public welfare organization. (F. D. C. No. 1435. Sample No. 87531-D.)

These tea balls were packed in cartons, each carton containing 8 paper envelopes, each of which contained a filter-paper bag of tea. The envelopes were about twice as large as necessary and were loosely packed in the carton. The carton could easily have held twice the amount of tea bags.

On or about February 3, 1940, the United States attorney for the Southern District of Florida filed a libel against 14 cartons, each containing 288 retail cartons, of tea balls at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about January 8, 1940, by Standard Brands, Inc., from Hoboken, N. J.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Tender Leaf Brand * * * Tea."

On April 23, 1940, Standard Brands, Inc., having withdrawn its claim and no other claimant having appeared, judgment of condemnation was entered, the court retaining jurisdiction, however, for the purpose of entering further orders as to the disposition of the product. On May 1, 1940, the product was ordered delivered to a public welfare organization.

WHISKY

507. Adulteration of whisky. U. S. v. 1 Barrel of Whisky. Default decree of condemnation and destruction. (F. D. C. No. 1801. Sample No. 4743-E.)

This product contained excessive quantities of aldehydes.

On April 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 1 barrel of whisky at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 7, 1939, by Tom Moore Distillery from Bardstown, Ky.; and charging that it was adulterated.

It was alleged to be adulterated in that a substance which contained excessive quantities of aldehydes had been substituted wholly or in part for whisky, and had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 508 to 514 of this publication report the seizure and disposition of flour which was in interstate commerce at the time of examination and was found to be insect-infested at that time.

508. Adulteration of flour. U. S. v. 41 Bags of Flour. Default decree of forfeiture and destruction. (F. D. C. No. 1034. Sample No. 83106-D.)

On or about November 27, 1939, the United States attorney for the Northern District of Florida filed a libel against forty-one 12-pound bags of flour at Marianna, Fla., alleging that the article had been shipped in interstate commerce on or about April 11, 1939, by the Hanover Star Milling Co. from Germantown, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Tea Rose High Patent Flour * * * Sunny Kansas Mills."

On April 6, 1940, no claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

509. Adulteration of flour. U. S. v. 54 Bags and 86 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. Nos. 263, 267. Sample Nos. 62736-D, 62737-D.)

On or about July 7, 1939, the United States attorney for the Southern District of Texas filed libels against 140 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about April 24 and May 11, 1939, by Leger Mill Co. from Altus, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part: "Extra High Patent Leger's Best [or "Pride of Altus"]."

On August 18, 1939, Leger Mill Co., claimant, having admitted the allegations of the libels and the actions having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be denatured and disposed of for hog or poultry feed.

510. Adulteration of flour. U. S. v. 91 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 379. Sample No. 61006-D.)

On August 10, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 91 bags of flour at New Iberia, La., alleging that the article had been shipped on or about July 20, 1939, by Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part: "Drink Water Hard Wheat Flour."

On March 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

511. Adulteration of flour. U. S. v. 110 and 121 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 752. Sample No. 61383-D.)

On October 19, 1939, the United States attorney for the Southern District of Mississippi filed a libel against 231 bags of flour at Vicksburg, Miss., alleging that the article had been shipped on or about May 28, 1938, by Pillsbury Flour Mills from Memphis, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy vegetable substance. The article was labeled in part: "Family Echo Flour * * * Packed for Unity Mills Distributing Company."

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

512. Adulteration of flour. U. S. v. 40 Sacks, 30 Sacks, and 18 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1205. Sample Nos. 58192-D, 58193-D, 58194-D.)

On December 19, 1939, the United States attorney for the District of Nevada filed a libel again 88 sacks of flour at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce within the period from on or about September 19, 1939, to on or about November 29, 1939, by Sperry Flour Co. from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy vegetable substance. The article was labeled variously in part: "Sperry Flour Co. * * * American Indian"; "Sperry Graham Flour Sperry Flour Co."; or "Unista Flour Portland Flour Mills Co. Distributor."

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

513. Adulteration of flour. U. S. v. Six 98-Pound Bags and Eight 48-Pound Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1484. Sample No. 47853-D.)

On February 14, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 14 bags of flour at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 8, 1939, from Goldsboro, N. C., by American Sales Corporation, via Shenandoah Milling Co. truck; and charging that it was adulterated. This was a returned shipment consisting of a part of a lot of flour originally shipped by the Shenandoah Milling Co. from Norfolk, Va., to Goldsboro, N. C. The article was labeled in part: "Made from Select Wheat * * * Star Milling Co. Hampstead, Md."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On April 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

514. Adulteration of ready-mix flour. U. S. v. 2 Cases and 5 Cases of Flour. Default decree of condemnation and destruction. (F. D. C. No. 1128. Sample Nos. 56448-D, 56449-D.)

On December 1, 1939, the United States attorney for the Southern District of California filed a libel against seven cases of flour at Fresno, Calif., alleging that the article had been shipped on or about October 12, 1938, by Quaker Oats Co. from Salt Lake City, Utah; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. The article was labeled in part: "Aunt Jemima Ready-Mix."

On January 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

515. Misbranding of flour. U. S. v. 300 Sacks of Flour. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1524. Sample No. 95-D.)

This product was short of the declared weight.

On February 27, 1940, the United States attorney for the District of New Mexico filed a libel against 300 sacks of flour at Roswell, N. Mex., alleging that the article had been shipped in interstate commerce on or about February 13, 1940, by General Mills, Inc., Southwestern Division, from Amarillo, Tex.; and charging that it was misbranded. The article was labeled in part: "Washburn Crosby Gold Medal Flour."

It was alleged to be misbranded in that the statement on the label, "10 Lbs.," was false and misleading since it was incorrect; and in that it was food in package form and did not bear an accurate statement of the quantity of contents.

On April 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

CORN MEAL

Nos. 516-519 report the seizure and condemnation of corn meal that was in interstate commerce when examined, and was found to contain rodent hairs and excreta at that time. The product covered by N. J. No. 516 also contained insect fragments.

516. Adulteration of corn meal. U. S. v. 100 Bags of Corn Meal. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 715. Sample No. 66367-D.)

On October 11, 1939, the United States attorney for the Middle District of Georgia filed a libel against 100 bags of corn meal at Quitman, Ga., alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by the Monticello Milling Co. from Monticello, Fla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Monticello Water Ground Style Corn Meal."

On November 28, 1939, no claimant having appeared, a decree of condemnation and forfeiture was entered, and the product was ordered destroyed.

517. Adulteration of corn meal. U. S. v. 14 Bags and 8 Bags of White Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1782. Sample No. 5819-E.)

On April 9, 1940, the United States attorney for the Southern District of Ohio filed a libel against 22 bags of corn meal at Cincinnati, Ohio, consigned on or about March 26 and April 1, 1940, alleging that the article had been shipped in interstate commerce by the Dorsel Co. from Newport, Ky.; and charging that

it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Dorsel's White Corn Meal."

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

518. Adulteration of corn meal. U. S. v. 450 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1596. Sample No. 75093-D.)

On March 7, 1940, the United States attorney for the District of South Dakota filed a libel against 450 sacks of corn meal at Sioux Falls, S. Dak., alleging that the article had been shipped in interstate commerce on or about January 12, 1940, by Plymouth Cereal Mills from Le Mars, Iowa; and charging that it was adulterated. It was labeled in part: "Plymouth Yellow Corn Meal."

Adulteration was alleged in that the article consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, and/or held under insanitary conditions whereby it had become contaminated with filth.

On April 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

519. Adulteration of corn meal. U. S. v. 90 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1571. Sample No. 88757-D.)

On March 4, 1940, the United States attorney for the Southern District of Ohio filed a libel against 90 bags of corn meal at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 5, 1940, by the Rush County Mills from Rushville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Kentucky Buhr Ground AAAA Corn Meal."

On May 1, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

BREAKFAST CEREAL

520. Adulteration of corn flakes. U. S. v. 8 Sacks of Corn Flakes. Default decree of condemnation and destruction. (F. D. C. No. 1207. Sample No. 90902-D.)

This product was in interstate commerce at the time of examination and was found to contain fleas and rodent hairs at that time.

On December 18, 1939, the United States attorney for the Western District of Washington filed a libel against eight sacks of corn flakes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 20, 1939, by Chas. A. Krause Milling Co. from Milwaukee, Wis.; and charging that it was adulterated. It was labeled in part: "Maizfetti Corn Flakes."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS

521. Misbranding of Grandma's Cocoanut Bars. U. S. v. 30 Cartons of Grandma's Cocoanut Bars. Default decree of condemnation and destruction. (F. D. C. No. 1138. Sample No. 83933-D.)

This product was short weight.

On December 5, 1939, the United States attorney for the Western District of Washington filed a libel against 30 cartons of Grandma's Cocoanut Bars at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 15 and 18, 1939, from Portland, Oreg., by the Grandma Cookie Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that the representation on the label that the packages contained 8 ounces or more was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

522. Adulteration of egg noodles. U. S. v. 45 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1145. Sample Nos. 58177-D to 58181-D, incl.)

This product was in interstate commerce at the time of examination and was found to be insect-infested at that time.

On December 18, 1939, the United States attorney for the District of Arizona filed a libel against 45 cases of egg noodles at Phoenix, Ariz., alleging that the article had been shipped on or about January 24 and February 3, 1939, by San Diego Macaroni Manufacturing Co. from San Diego, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Supreme Quality Chief Brand Pure Egg Noodles."

On February 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

523. Misbranding of macaroni. U. S. v. 22 Cases, 31 Cases, and 17 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 1119. Sample Nos. 73269-D, 73270-D, 73271-D.)

Examination showed that the packages of this product were slack-filled, those in one lot being filled to about one-half and those in the remaining lots being filled to about three-fourths of their capacity.

On December 5, 1939, the United States attorney for the District of Nevada filed a libel and on February 2, 1940, an amended libel against 22 cases of salad macaroni, 31 cases of semolina macaroni, and 17 cases of elbow macaroni at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about June 16, July 28, September 12, and October 6, 1939, by the Fontana Food Products Co. from San Francisco, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement, "Packed and Guaranteed by the Fontana Food Products Company to conform with all pure food laws," was false and misleading, since the containers were deceptive and in violation of the law. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

524. Misbranding of spaghetti. U. S. v. 140 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 1825. Sample No. 1317-E.)

This product occupied on an average less than half the volume of the package.

On April 17, 1940, the United States attorney for the District of Maryland filed a libel against 140 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 23 and March 11, 1940, by S. Viviano Macaroni Manufacturing Co. from Carnegie, Pa.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Packages) "Dixie Brand Spaghetti * * * Distributed By Maryland Grocery Company Baltimore, Md."

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEED

525. Adulteration and misbranding of mixed rice bran. U. S. v. 102 Unlabeled Bags of "Mixed Rice Bran." Default decree of condemnation and destruction. (F. D. C. No. 1785. Sample No. 801-E.)

Examination showed that this product consisted of approximately 50 percent of rice hulls. According to the generally accepted standard, rice bran consists of the bran layer of the rice, with only such quantity of hull fragments as is unavoidable in the regular milling. There is no general recognition of a product called "mixed rice bran."

On April 10, 1940, the United States attorney for the Northern District of Georgia filed a libel against 102 unlabeled bags, each containing 100 pounds of an article invoiced as "mixed rice bran," at Canton, Ga., alleging that it had been shipped in interstate commerce on or about February 29, 1940, by the Jonesboro Rice Mills Co. from Jonesboro, Ark.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance, rice hulls, had been substituted wholly or in part therefor and had been mixed or packed there-

with so as to reduce its quality or strength or make it appear better or of greater value than it was.

It was alleged to be misbranded in that it was in package form but did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, nor an accurate statement of the quantity of contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and the common or usual name of each of such ingredients was not set forth in the label.

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DAIRY PRODUCTS

BUTTER

526. Adulteration of butter. U. S. v. Nels M. Lindgren (Monticello Dairy). Plea of guilty. Fine, \$30. (F. D. C. No. 926. Sample Nos. 60259-D, 67727-D, 67733-D.)

This product contained less than 80 percent of milk fat.

On March 5, 1940, the United States attorney for the District of Minnesota filed in the district court an information against Nels M. Lindgren, trading as Monticello Dairy at Monticello, Minn., alleging shipment by said defendant on or about August 12 and 16, 1939, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated.

Adulteration was alleged in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 5, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$30.

527. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$10. (F. D. C. No. 923. Sample No. 44499-D.)

This product contained less than 80 percent of milk fat.

On April 2, 1940, the United States attorney for the District of Minnesota filed an information against Armour & Co., a corporation trading as Armour Creameries at St. Paul, Minn., alleging shipment by said company on or about August 9, 1939, from the State of Minnesota into the State of New Jersey, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 2, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

Nos. 528 to 564, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

528. Adulteration of butter. U. S. v. 34 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. D. C. No. 1502. Sample No. 89409-D.)

On February 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 34 tubs, each containing 63 pounds, of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by Armour & Co. from Chicago, Ill.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On March 15, 1940, Peter Fox Sons, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered that the product be released to claimant for reworking so that it contain not less than 80 percent by weight of milk fat.

529. Adulteration and misbranding of butter. U. S. v. 4 Cubes and 53 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 2025, 2038. Sample No. 14714-E.)

On May 18 and 20, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 57 cubes of butter at Philadelphia, Pa.,

alleging that the article had been shipped in interstate commerce on or about May, 7, 1940, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 21, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under Government supervision.

530. Adulteration of butter. U. S. v. 1 Carton of Butter (and 2 other seizure actions involving butter). Decrees of condemnation. Portion of product ordered released under bond to be reworked. One tub ordered delivered to charitable institutions. (F. D. C. Nos. 2060, 2061, 2140. Sample Nos. 10970-E, 10971-E, 10975-E.)

On May 21 and 24, 1940, the United States attorney for the Southern District of New York filed 3 libels against a total of 26 cartons and 30 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7 and 13, 1940, by Arrow Creameries from Hebron, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "J. R. Kramer, Inc., * * * New York"; "Fortgang Bros. N. Y."; or "Jos. J. Herold Co. * * * New York."

On June 5, 1940, the Arrow Creameries, Hebron, N. Dak., and Fortgang Bros., Inc., New York, N. Y., claimants, respectively, for the product covered by two of the libels, having admitted the allegations of the said libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be reworked so that it contain at least 80 percent butterfat. On June 7, 1940, no claim or answer having been filed in the remaining action, judgment of condemnation was entered and it was ordered that the product (one carton) be delivered to a charitable institution.

531. Adulteration and misbranding of butter. U. S. v. 52 Cartons of Butter (and one other seizure action involving butter). Consent decrees of condemnation. Product released under bond for reworking. (F. D. C. Nos. 1706, 1776. Sample Nos. 10308-E, 10333-E.)

On March 18 and April 2, 1940, the United States attorney for the Southern District of New York filed libels against 99 cartons, each containing 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 5 and 20, 1940, by the Barrett Cooperative Creamery from Barrett, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Gude Bros. Kieffer Co."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 28 and April 20, 1940, the Barrett Cooperative Creamery Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

532. Adulteration of butter. U. S. v. 63 Pounds of Butter. Consent decree finding product adulterated and ordering that it be delivered to a charitable institution. (F. D. C. No. 1533. Sample No. 67145-D.)

On or about February 16, 1940, the United States attorney for the Western District of Missouri filed a libel against 63 pounds of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 5, 1940, by Beatrice Creamery Co. from Topeka, Kans.; and charging that it was adulterated. It was labeled in part: "Meadow Gold Butter. * * * Distributed by Beatrice Creamery Co."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted; and in that an article

which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On February 21, 1940, the shipper having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and it was ordered that the product be turned over to a charitable institution since it was not unfit for human consumption.

533. Adulteration of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2132. Sample No. 14720-E.)

On May 24, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 15 cartons, each containing 60 pounds, of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Bird Island Cooperative Creamery from Bird Island, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 3, 1940, A. F. Bickley & Son, Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of in violation of the law.

534. Adulteration and alleged misbranding of butter. U. S. v. 15 Cubes and 6 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 1856, 1857. Sample Nos. 13923-E, 13924-E.)

On April 10, 1940, the United States attorney for the Western District of Washington filed libels against 21 cubes of butter at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about April 1 and 8, 1940, by Boundary Creamery from Bonners Ferry, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: "J. S. Griffiths Co. * * * Seattle, Wn."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On April 16, 1940, Boundary Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment was entered finding the product adulterated and ordering that it be condemned; and it was further ordered that the product be released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

535. Adulteration and misbranding of butter. U. S. v. 11 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1681. Sample No. 61892-D.)

On March 7, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 11 cases, each containing 32 1-pound prints, of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by W. R. Branson from Wichita, Kans.; and charging that it was adulterated and misbranded. The article was labeled in part: "Cudahy's Sunlight Creamery Butter. The Cudahy Packing Co., * * * Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent by weight of milk fat, as provided by law. The article was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading.

On April 27, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

536. Adulteration of butter. U. S. v. 11 Cubes and 10 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. D. C. No. 1980. Sample No. 7541-E.)

On May 6, 1940, the United States attorney for the Southern District of California filed a libel against 21 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Cascade Creamery from Cascade,

Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 13, 1940, H. H. Hildreth, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

537. Adulteration of butter. U. S. v. 9 Cubes of Butter. Consent decree of condemnation and forfeiture. Product ordered released under bond. (F. D. C. No. 1750. Sample Nos. 13515-E, 13521-E.)

On March 22, 1940, the United States attorney for the Western District of Washington filed a libel against nine cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 14, 1940, by the Cottonwood Dairy from Cottonwood, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Walter Ely Company * * * Seattle, Wash. * * * Cottonwood Dairy Products."

On March 26, 1940, the Cottonwood Dairy Products, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released to the claimant under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

538. Adulteration of butter. U. S. v. 18 Cubes and 15 Cubes of Butter. Decrees of condemnation. Product released under bond. (F. D. C. Nos. 1749, 1902. Sample Nos. 7314-E, 7341-E.)

On March 20 and April 16, 1940, the United States attorney for the Southern District of California filed libels against 33 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been introduced in interstate commerce on or about March 7 and April 4, 1940, by the Dairymen's Cooperative Creamery of Boise Valley from Caldwell, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On April 11 and 26, 1940, the Challenge Cream & Butter Association and H. H. Hildreth, claimants for respective lots of the article, having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

539. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2024. Sample No. 10966-E.)

On May 15, 1940, the United States attorney for the Southern District of New York filed a libel against 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by Farm Union Cooperative Creamery from Menno, S. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923. The article was labeled in part: "Distributors Zenith-Godley Co. N. Y."

On May 28, 1940, Farmers Coop. Creamery, Menno, S. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

540. Adulteration and misbranding of butter. U. S. v. 24 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2139. Sample No. 10973-E.)

On May 24, 1940, the United States attorney for the Southern District of New York filed a libel against 24 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 10, 1940, by Farmers Union Cooperative Produce Association from Devil's Lake, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Distributed by Hunter, Walton & Co. New York."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was

alleged to be misbranded in that the statement "Butter" was false and misleading when applied to a product which contained less than 80 percent of milk fat.

On June 5, 1940, Farmers Union Cooperative Produce Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

541. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2026. Sample No. 14715-E.)

On May 18, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 15 tubs of butter at Philadelphia, Pa. alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by Hannover Creamery Association from New Salem, N. Dak.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat. It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 21, 1940, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

542. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2023. Sample No. 10965-E.)

On May 15, 1940, the United States attorney for the Southern District of New York filed a libel against 10 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by Hillman Creamery from Lennox, S. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Gude Bros. Keiffer Co. * * * New York."

On May 31, 1940, Hillman Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

543. Adulteration and misbranding of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reconditioning. (F. D. C. No. 1855. Sample No. 13921-E.)

On April 10, 1940, the United States attorney for the Western District of Washington filed a libel against six cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Hot Springs Creamery from Hot Springs, Mont.; and charging that it was adulterated and misbranded. It was labeled in part: "H. S. C. * * * Walter Ely Co. Seattle, Wash., Distributor."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by law. The article was alleged to be misbranded in that it was labeled "Butter," which was false and misleading, since it contained less than 80 percent of milk fat.

On April 16, 1940, the Hot Springs Creamery, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

544. Adulteration and misbranding of butter. U. S. v. 14, 16, 18, and 12 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 1570, 1982. Sample Nos. 85876-D, 10962-E.)

On February 27 and May 10, 1940, the United States attorney for the Southern District of New York filed libels against 60 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about

February 15 and May 2, 1940, by Perry Kier from Mankato, Kans.; and charging that it was adulterated and misbranded. A portion of the article was labeled in part: "Butter S. & W. Waldbaum Inc." The remainder was labeled in part: "Butter S. & W. Waldbaum Inc. * * * Distributors New York, N. Y. Manufactured by Perry Kier Mankato, Kans."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On March 12 and May 24, 1940, Perry Kier, claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

545. Adulteration and misbranding of butter. U. S. v. 6 Cubes, 12 Cubes, and 6 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 1371, 1988, 2007. Sample Nos. 13044-E, 13045-E, 13049-E, 13050-E.)

On May 2, 9, and 11, 1940, the United States attorney for the Western District of Washington filed libels against 24 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 29, May 6 and 7, 1940, by Kootenai Valley Creamery from Bonners Ferry, Idaho; and charging that it was adulterated and misbranded. The article was labeled in part: "Puget Sound Butter & Egg Co."

The article was alleged to be adulterated in that a product which contained not less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On May 17, 1940, Kootenai Valley Creamery, claimant, having admitted the allegations of the libels, a consolidated decree of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

546. Adulteration and misbranding of butter. U. S. v. 11 Tubs and 7 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2058. Sample No. 10968-E.)

On May 21, 1940, the United States attorney for the Southern District of New York filed a libel against 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by Lakeside Dairy from Madison, S. Dak.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On June 3, 1940, Lakeside Dairy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered ordering release of the product under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

547. Adulteration of butter. U. S. v. 105 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2138. Sample No. 4896-E.)

On or about May 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 105 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 11, 1940, by Marwyn Dairy Products Co. from Kansas City, Mo.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 22, 1940, Marwyn Dairy Products Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

548. Adulteration of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1648. Sample No. 1209-E.)

On March 15, 1940, the United States attorney for the District of Columbia filed a libel against nine tubs of butter at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 20 and March 5, 1940, by Meriden Creamery Co. from Hutchinson, Kans.; and charging that it was adulterated in that a substance which contained less than 80 percent of butterfat had been substituted wholly or in part for the article.

On May 7, 1940, the Meriden Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked to comply with the requirements of the law.

549. Adulteration of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2057. Sample No. 10967-E.)

On May 20, 1940, the United States attorney for the Southern District of New York filed a libel against 10 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 3, 1940, by Mott Cooperative Creamery Co. from Mott, N. Dak.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc., New York."

On June 1, 1940, Mott Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

550. Adulteration of butter. U. S. v. 12 Cubes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2165. Sample No. 12060-E.)

On May 22, 1940, the United States attorney for the Northern District of California filed a libel against 12 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 19, 1940, by Myrtle Point Creamery from Myrtle Point, Oreg.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On June 4, 1940, Wilsey Bennet Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be made to conform to the provisions of the law under the supervision of the Food and Drug Administration.

551. Adulteration of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation. Product delivered to a charitable institution. (F. D. C. No. 1707. Sample No. 10309-E.)

On March 18, 1940, the United States attorney for the Southern District of New York filed a libel against four tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 23, 1939, by North American Creameries, Inc., from Paynesville, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Foremost Sales Co., Inc. * * * New York."

On April 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for consumption but not for sale.

552. Adulteration and misbranding of butter. U. S. v. 60 Cases of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2034. Sample Nos. 14653-E, 14656-E.)

On April 27, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 60 cases of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 28, 1940, by Pickwick Creamery Co. from Lamoille, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter * * * Frank Hellerick Co., Inc., Phila., Pa. Wholesale Distributors."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was alleged to be misbranded in that it was labeled "Butter," which term was false and misleading since it contained less than 80 percent of milk fat.

On May 20, 1940, Frank Hellerick & Co., Inc., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

553. Adulteration of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 1724. Sample No. 7410-E.)

On March 18, 1940, the United States attorney for the Southern District of California filed a libel against 14 cubes, each containing 68 pounds, of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 7, 1940, by the Pine Eagle Dairymen's Cooperative Association from Payette, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Farmers Coop. Creamery, Payette, Idaho."

On April 11, 1940, the Challenge Cream & Butter Association, Los Angeles, Calif., claimant, having admitted the allegations of the libel, a decree of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

554. Adulteration and misbranding of butter. U. S. v. 14 $\frac{5}{6}$ Cases of Butter. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1638. Sample No. 72150-D.)

This product was found to be deficient in milk fat and the packages were found to be short of the declared weight.

On February 29, 1940, the United States attorney for the Western District of Missouri filed a libel against 14 $\frac{5}{6}$ cases, each containing thirty 1-pound prints, of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, by the Rasmussen Creamery Co. from Paola, Kans.; and charging that it was adulterated and misbranded. It was labeled in part: "Hillcrest Brand * * * Distributor Kelley Butter Co., Kansas City."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. It was alleged to be misbranded in that the actual net weight found was less than the declared weight of "1 lb. net."

On March 13, 1940, no claim or answer having been filed and the consignee having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered to charitable institutions.

555. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2133. Sample No. 4887-E.)

On or about May 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 31 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 4, 1940, by Saline Milk Products Co. from Marshall, Mo.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 22, 1940, Saline County Milk Producer Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to the legal standard.

556. Adulteration and alleged misbranding of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released to claimant for reconditioning. (F. D. C. No. 1923. Sample No. 13944-E.)

On or about April 26, 1940, the United States attorney for the Western District of Washington filed a libel against 6 cubes, each containing 68 pounds, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 19, 1940, by the Saunders County Dairy Co-op from

Plains, Mont.; and charging that it was adulterated and misbranded. It was labeled in part: "Klock Produce Co. Seattle. B. Q. Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent of milk fat as provided by law. The article was alleged to be misbranded in that it was labeled, "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On April 30, 1940, the Saunders County Dairy Co-op having filed a claim and having admitted the allegations of the libel, and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering that it be condemned, but providing that it might be released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

557. Adulteration and misbranding of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1730. Sample No. 10311-E.)

On March 25, 1940, the United States attorney for the Southern District of New York filed a libel against 12 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 11, 1940, by Sorensen Creamery from Big Stone City, S. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed by J. R. Kramer, Inc. New York."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On April 5, 1940, Sorensen Creameries, Big Stone City, S. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

558. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond for reworking and reprocessing. (F. D. C. No. 1981. Sample No. 10961-E.)

On May 9, 1940, the United States attorney for the Southern District of New York filed a libel against 14 tubs, each containing 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1940, by the Stanton Cooperative Creamery from Stanton, Nebr., to Omaha, Nebr., and thence to New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed by Dairy & Poultry Co-op. Inc. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On June 3, 1940, the Stanton Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of butterfat.

559. Adulteration and misbranding of butter. U. S. v. 14 Cubes of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 1729. Sample No. 7327-E.)

On March 20, 1940, the United States attorney for the Southern District of California filed a libel against 14 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Surface Creek Creamery Association from Eckert, Colo.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product that should contain not less than 80 percent by weight of milk fat, as provided by law. It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading when applied to an article that contained less than 80 percent by weight of milk fat.

On April 11, 1940, the Challenge Cream & Butter Association, Los Angeles, Calif., claimant, having admitted the allegations of the libel, a decree of con-

demnation was entered, and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

560. Adulteration of butter. U. S. v. 7 Cases and 7 Cases of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 1598. Sample Nos. 72147-D, 72148-D.)

On or about February 28, 1940, the United States attorney for the Western District of Missouri filed libels against 14 cases of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about February 19 and 20, 1940, by Talbot, Woods & Co., in its own truck, from Kansas City, Kans.; and charging that it was adulterated. It was labeled in part: "Country Club Dairy * * * Creamery Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted; and in that an article which contained less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On February 28, 1940, Talbot, Woods & Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration in order to increase the butterfat content to meet the legal standard for butter.

561. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2137. Sample No. 4895-E.)

On or about May 22, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by Whitford Mercantile Co. from Nowata, Okla.; and charging that it was adulterated in that a product which contained less than 80 percent of milk fat had been substituted for butter.

On May 29, 1940, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reworked under supervision of the Food and Drug Administration to bring it into compliance with the law.

562. Adulteration and misbranding of butter. U. S. v. 29 Cartons and 18 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 2059, 2167. Sample Nos. 10969-E, 33245-E.)

On May 21 and 25, 1940, the United States attorney for the Southern District of New York filed libels against 47 cartons of butter at New York, N. Y., alleging that 29 cartons of the article had been shipped in interstate commerce on or about May 7, 1940, by the Farmers Creamery from St. Cloud, Minn., and that 18 cartons had been shipped on or about May 15, 1940, by the Kimball Creamery from Kimball, Minn.; and charging that it was adulterated and misbranded. Subsequent to the filing of the libels it was ascertained that the dealer in possession of the 18 cartons had made an error in identifying the product at the time of sampling and that the shipment of May 15, 1940, had in fact been made by the same shipper who made the earlier shipment, namely, the Farmers Creamery, St. Cloud, Minn. One lot of the article was labeled in part: "Distributed by Hunter, Walton & Co. * * * New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. Misbranding was alleged in that the article was labeled "Butter," which was false and misleading when applied to a product containing less than 80 percent of milk fat.

On June 8, 1940, the Farmers Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

563. Adulteration and misbranding of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2163. Sample Nos. 10978-E, 33246-E.)

On May 28, 1940, the United States attorney for the Southern District of New York filed a libel against 10 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Kimball Creamery from Kimball, Minn.; and charging that it was adulterated and

misbranded. It was labeled in part: "Distributed by Hunter, Walton & Co. New York, N. Y."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. Misbranding was alleged in that the statement "Butter," borne on the label, was false and misleading since the article contained less than 80 percent of milk fat.

On June 8, 1940, Kimball Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

564. Adulteration and misbranding of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2008. Sample No. 13051-E.)

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against five cubes of butter at Seattle, Wash., alleging that the article had been in interstate commerce on or about May 7, 1940, by Latah Creamery from Moscow, Idaho; and charging that it was adulterated and misbranded. It was labeled in part: "Walter Ely Co. Seattle, Wash. Distributors, Butter."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which statement was false and misleading since the product contained less than 80 percent of milk fat.

On May 15, 1940, Latah Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be made to comply with the law under the supervision of the Food and Drug Administration.

565. Adulteration and misbranding of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1698. Sample No. 1211-E.)

This product had a strong odor and was decomposed and otherwise unfit for food.

On March 23, 1940, the United States attorney for the District of Columbia filed a libel against 3 cases, each containing 30 pound cartons, of butter at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Valley Creamery & Produce Co. from Sisterville, W. Va.; and charging that it was adulterated and misbranded. The product was labeled in part: "Land O'Hills Brand Creamery Butter Mfd. by Land O'Hills Creamery, Buckhannon, W. Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. It was also alleged to be misbranded in that the statement "Creamery Butter made from fine pasteurized cream" was false and misleading since it was wholly unacceptable as table butter, which it purported to be.

On April 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

566. Misbranding of butter. U. S. v. 11 Cases and 2 Cases of Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1932. Sample Nos. 6189-E, 6190-E.)

A portion of this product failed to bear a label containing an accurate statement of the quantity of contents of the packages and the remaining portion was short of the weight declared on the label.

On April 3, 1940, the United States attorney for the District of New Mexico filed a libel against 13 cases of butter at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by South Plains Creamery from Littlefield, Tex.; and charging that it was misbranded. One lot was unlabeled and the remaining lot was labeled "4 oz. Net Weight" when shipped.

The article in both lots was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package. One lot was alleged to be misbranded further in that it was labeled "4 oz. Net Weight," which was false and misleading since the package contained less than that quantity.

On May 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

567. Adulteration and misbranding of whipt butter. U. S. v. 11 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 1721. Sample No. 9397-E.)

This product was packed in the standard 1-pound butter carton. Air had been incorporated in it to such an extent, however, that the 8-ounce prints practically occupied the volume ordinarily occupied by 1 pound of butter. Its labeling bore false and misleading health claims.

On March 28, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 11 cases, each containing thirty 8-ounce cartons, of whipt butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by the North Pole Cold Storage Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Churn-Whipt Brand Creamery Butter 8 Ounces Net Distributed by Longino & Collins New Orleans, La."

The article was alleged to be adulterated in that air had been mixed and packed with it so as to increase its bulk.

It was alleged to be misbranded in that the prominent designation on the label, "Creamery Butter," was false and misleading when applied to butter with which air had been incorporated so as to practically double its bulk. It was alleged to be misbranded further in that the statements, "good reasons for serving this good butter * * * Butter is economical * * * Butter makes good food taste better," borne on the label, were false and misleading, since they implied that the article was a product, ordinarily known as butter, in which air had not been incorporated. It was alleged to be misbranded further in that the statement "Butter builds up resistance to disease," borne on the label, regarding its therapeutic capabilities, was false and misleading.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

568. Adulteration of cream. U. S. v. One 10-Gallon and Four 5-Gallon Cans of Cream (and 11 other seizure actions involving cream). Consent decrees of condemnation and destruction. (F. D. C. Nos. 1770, 1771, 1772, 1774, 1775, 1791, 1792, 1795, 1897, 1898, 1899, 1901. Sample Nos. 6401-E, 6402-E, 6403-E, 6405-E, 6409-E, 6410-E, 6661-E, 6662-E, 6671-E, 6672-E, 6676-E, 6677-E.)

This product was in whole or in part filthy, putrid, or decomposed.

On March 6, 8, 15, 20, 22, and 27, 1940, the United States attorney for the District of Colorado filed libels against thirteen 10-gallon cans, thirteen 5-gallon cans, five 8-gallon cans, and one 3-gallon can of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about March 2 to March 24, 1940, by various shippers as follows: Campbell Produce Co., Benkelman, Nebr.; Clare D. Whaley, Callaway, Nebr.; U. R. Wichern, Cody, Wyo.; H. L. Erickson, Holdridge, Nebr.; Guy M. Shafer, Clayton, N. Mex.; M. J. Ball, Hedley, Tex.; H. C. Gilliland, Joshua, Tex.; Roy Britt, Hedley, Tex.; Geo. A. Kump, Jennings, Nebr.; Mrs. Bluford C. Trusty, Grafton, Nebr.; J. A. Sterling, Potter, Nebr.; Howard McKay, Dresden, Kans.; H. A. Bohn, Athol, Kans.; John Kruse, Grinnell, Kans.; L. E. Hammerschmidt, Victoria, Kans.; John C. Schwab, Deaver, Wyo.; F. W. Barlow, Melrose, N. Mex.; Mrs. Myrl Bloom, Paxton, Nebr.; H. J. Langdon, Selden, Kans.; A. L. Bangert, Big Springs, Nebr.; Co-Op Union Merc. Co., Black Wolf, Kans.; Mrs. Alice Engle, Billings, Mont.; F. J. Farrell, Hartley, Nebr. (from Lebanon, Nebr.); L. L. Heard, Hartley, Tex. (from Channing, Tex.); J. H. Blakesley, Thermopolis, Wyo.; Adams Bros., Cozad, Nebr.; Kyle Johnson, Terreton, Idaho (from Hamer, Idaho); Paul Fickenschner, Gothenburg, Nebr.; M. W. Woolstrum, Garland, Wyo. (from Lovell, Wyo.).

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignee having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the action.

569. Adulteration of cream. U. S. v. Two 10-Gallon Cans of Cream. Decree of condemnation and destruction. (F. D. C. No. 664. Sample No. 81020-D.)

This product was filthy and decomposed.

On September 25, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against two 10-gallon cans of cream at Pittsburgh,

Pa., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, one lot by Sam A. Miller from Dover, Del., and one by J. T. Fisher from Poolesville, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On September 25, 1939, the court having found that the product was spoiled and the consignee having recommended its immediate destruction, judgment was entered ordering that it be destroyed.

570. Adulteration of cream. U. S. v. Three 5-Gallon Cans and Five 10-Gallon Cans of Cream (and 3 other seizure actions involving cream). Default decrees of condemnation and destruction. (F. D. C. Nos. 345, 1793, 1794, 1900. Sample Nos. 30793-D, 6663-E, 6670-E, 6675-E.)

This product was in whole or in part filthy and decomposed.

On July 22, 1939, and March 15, 20, and 23, 1940, the United States attorney for the District of Colorado filed libels against eight 5-gallon cans, one 8-gallon can, and seven 10-gallon cans of cream at Denver, Colo., alleging that it had been shipped in interstate commerce on or about July 18, 1939, and March 12, 16, and 21, 1940, by various shippers, namely: Fremont Dairymen's Cooperative Marketing Association, from Hudson, Wyo.; U. R. Wichern, from Cody, Wyo.; G. E. Thompson, from Ogallala, Nebr.; Mrs. Albert Bogaerf, from Madrid, Nebr.; Joe Poloncek, from Ogallala, Nebr.; Lorenzo Jacobsen, from Montpelier, Idaho; Robert F. Day, from Floydada, Tex.; James McKenna, from Norton, Kans.; and Lowell McCabe, from Norton, Kans.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

EGGS

571. Adulteration of shell eggs. U. S. v. 162 Cases of eggs. Default decree of condemnation and destruction. (F. D. C. No. 1877. Sample No. 13652-E.)

This product was in whole or in part decomposed and otherwise inedible.

On or about April 26, 1940, the United States attorney for the Western District of Washington filed a libel against 162 cases of shell eggs at Takoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 12, 1940, by Mountain Valley Produce from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food. It was labeled in part: "Uncandled" or "Rots."

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

572. Adulteration of frozen whole eggs. U. S. v. 200 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. D. C. No. 1653. Sample No. 13326-E.)

This product was in interstate commerce when examined and was found to be in whole or in part decomposed at that time.

On March 20, 1940, the United States attorney for the Territory of Hawaii filed a libel against 200 cans of frozen eggs at Honolulu, T. H., consigned by Swift & Co., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, from Portland, Oreg.; and charging that it was adulterated in that it was in whole or in part filthy, putrid, decomposed, and otherwise unfit for food.

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

573. Adulteration of frozen eggs. U. S. v. 1,254 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 1968. Sample No. 7830.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On May 14, 1940, the United States attorney for the Southern District of California filed a libel against 1,254 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Lubbock Poultry & Egg Division of Wilson & Co.,

from Lubbock, Tex.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

574. Adulteration of frozen eggs. U. S. v. 284 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 1837. Sample No. 10340-E.)

This product was in interstate commerce at the time of examination and was found to be in part decomposed at that time.

On April 18, 1940, the United States attorney for the Eastern District of New York filed a libel against 284 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, by Peter Fox Sons Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On May 29, 1940, Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed or denatured.

FISHERIES PRODUCTS

575. Misbranding of canned bonita. U. S. v. 130 Cases of Canned Bonita. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. D. C. No. 1747. Sample No. 10412-E.)

This product was shipped in unlabeled cans; and therefore failed to comply with the requirements of the law prescribing the labeling of food in package form.

On April 4, 1940, the United States attorney for the Southern District of New York filed a libel against 130 cases, each containing 48 cans, of bonita at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by the French Sardine Co., Inc., from Terminal Island, Calif.; and charging that it was misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

On April 17, 1940, the New York Wholesale Grocery Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be labeled as required by law.

Nos. 576 to 580 report the seizure and disposition of fish which was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

576. Adulteration of frozen cod fillets. U. S. v. 22 Boxes of Frozen Cod Fillets. Default decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 1623. Sample Nos. 4301-E, 4302-E.)

On March 13, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by Atlantic Coast Fisheries Corporation of New York, from Princeton, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Atco Brand Fresh Frozen Fillets."

On April 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by being converted into fertilizer.

577. Adulteration of buffalo fish. U. S. v. 12 Boxes of Dressed Buffalo Fish. Default decree of condemnation and destruction. (F. D. C. No. 1892. Sample No. 15098-E.)

On April 27, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 12 boxes, each containing 120 pounds, of dressed buffalo fish at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 9, 1940, by Independent Fish Co. from

Simmesport, La.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

578. Adulteration of haddock fillets. U. S. v. 28 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 1469. Sample No. 86925-D.)

On February 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 28 boxes, each containing 15 pounds, of small haddock fillets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by F. J. O'Hara & Sons, Inc., from Portland, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 13, 1940, F. J. O'Hara & Sons, Inc., the intervenor, having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

579. Adulteration of frozen halibut. U. S. v. 1,307 Pounds of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 1759. Sample No. 13425-E.)

On April 4, 1940, the United States attorney for the Western District of Washington filed a libel against 1,307 pounds of frozen halibut at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 22, 1940, by the Artificial Ice & Cold Storage Co. from Billings, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

580. Adulteration of canned mackerel. U. S. v. 550 Cases of Canned Mackerel. Consent decree of condemnation. Product released to claimant under bond for segregation of the bad mackerel from the good. (F. D. C. No. 1102. Sample Nos. 58301-D, 82516-D.)

On December 1, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 550 cases of canned mackerel at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by Hamilton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Calho Brand California Mackerel * * * Hamilton & Company, Los Angeles, California, Distributors."

On January 30, 1940, the P. B. Smith Co., Charleston, S. C., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be segregated according to codes, and that those codes found to contain decomposed mackerel be destroyed.

581. Alleged adulteration of canned herring roe. U. S. v. 896, 238, and 250 Cases of Herring Roe. Tried to the court. Judgment for claimant; product ordered released. (F. D. C. No. 319. Sample Nos. 47565-D, 47566-D, 47567-D.)

This seizure was instituted on the charge that parts of stomachs and intestines of fish which were found in samples of the roe constituted filth.

On July 29, 1939, the United States attorney for the Eastern District of Virginia, filed a libel against 1,384 cases, each containing 48 cans, of herring roe at Richmond, Va., alleging that the article had been shipped in interstate commerce in various shipments on or about May 6, 13, 15, and 20, 1939, by the Sherwood Fish Products Co. from Sherwood, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Tidewater * * * Herring Roe Distributed by Taylor & Sledd, Inc., Richmond, Va."; or "Pocahontas * * * Herring Roe Packed for H. P. Taylor, Jr., Sole Distributor, Richmond, Va."

On September 21, 1939, the Sherwood Fish Products Corporation, claimant, having petitioned for samples of the seized goods and having filed a motion for a bill of particulars, the court granted such petition and motion and extended the time for filing an answer pending examination of the samples and the furnishing of the bill of particulars. On November 20, 1939, the

United States attorney filed a bill of particulars alleging that the article was adulterated in that it consisted in whole or in part of a filthy substance, i. e., that representative samples of the fish examined contained portions of the stomach and intestines of the fish adhering to and mixed with the roe, and that in a number of the cans the contents were sour and decomposed.

On December 1, 1939, the claimant filed its answer denying that the product or any part thereof consisted in whole or in part of a filthy substance, or was decomposed or sour or in any way unfit for human consumption. On January 18, 1940, a jury having been waived, the case was submitted to the court for decision. Evidence was introduced on behalf of the Government and claimant, and on January 19, 1940, the case was argued by counsel. On January 23, 1940, the court made the following findings of fact and conclusions of law:

POLLARD, *Judge*. "The United States filed its libel in this case seeking the condemnation under the Federal Food, Drug, and Cosmetic Act (Title 21, Section 331, et seq., U. S. C. A.) of 1,374 [1384] cases of herring roe shipped by Sherwood Fish Products Corporation from Sherwood in the State of Maryland into the State of Virginia, to Taylor & Sledd, Inc., at Richmond. By stipulation a trial by jury was waived. From the evidence, I make the following findings of fact:

"1. The libel for condemnation was filed July 29, 1939, and attachment and monition were filed August 1, 1939. In obedience to said attachment and monition the United States marshal for the Eastern District of Virginia seized 474 cases, each containing 48 cans, of an article labeled in part 'Tidewater Genuine Fresh River Herring Roe'; 172 cases, each containing 48 cans, of an article labeled in part, 'Pocahontas Genuine Fresh River Herring Roe'; and 249 cases, each containing 48 cans, of an article labeled in part, 'Tidewater Genuine Fresh River Herring Roe.'

"2. The articles so seized were shipped in interstate commerce from the State of Maryland into the State of Virginia, and at the time of seizure said articles were within the jurisdiction of this court.

"3. The herring roe seized is the property of Sherwood Fish Products Corporation by whom it was packed in the spring of 1939. It constituted part of a pack of 3,085 cases, each case containing 48 8-ounce cans. Out of said pack of 3,085 cases, there had been distributed to the consuming public before the seizure, 2,190 cases, or 105,120 cans, leaving the 895 cases which were seized, the value of which was \$3 per case, or \$2,685.

"4. Sherwood Fish Products Corporation has been engaged in the business of packing herring roe for 34 years and the occasion of the complaint made in this case is the first time that any complaint of any character has come to the knowledge of said company either from the Federal or State Governments or the public as to the quality of any of the herring roe packed by it during all of said 34 years.

"5. In the process of packing herring roe, Sherwood Fish Products Corporation pursues the following course of action: The herring are promptly brought after their capture to the packing houses where they are scaled, the heads cut off, the entrails and roe sacks withdrawn from the body of the fish. The sacks of roe are then placed in pails and taken to another part of the plant where they are thoroughly washed and diligent effort is made by picking with the hand to remove from the roe sacks any particles of viscera which may have adhered to the roe sacks when the latter were removed from the fish. The roe sacks are then placed in cans and subjected to a degree of heat sufficiently high to sterilize the product.

"6. It is impractical, if not impossible, to pack herring roe in large quantities without including in some of the cans particles of the viscera of the fish. The United States has not promulgated any regulations as to the packing of herring roe, nor has it established as authorized by statute, a standard of tolerance as a basis for condemnation of fish roe containing viscera of the fish.

"7. The chemists for the United States examined 168 cans of herring roe, of which number 144 cans were obtained from the lot by the United States before the seizure and 24 cans were taken from the lot seized. The chemist for the claimant examined 7 cans taken from the seized lot. These examinations disclosed the presence of particles of viscera in approximately 50 percent of the cans examined. The maximum number of pieces of viscera contained in any can was 6. In many cans there was no viscera at all. In cans containing viscera, the average number of pieces was 2. In only 1 of the 175 cans examined was there any sign of decomposed roe, and in that one, only 8.3 percent of the 8-ounce can was decomposed. One nematode, or small threadlike worm, was found in each of

2 cans. There was no evidence of decomposition or worms in any of the post-seized cans and none of such cans were sour.

"8. While there was testimony of the physiological fact that the intestinal tracts and stomachs of fish contain partly digested food and excrement, there was no evidence that the particles of viscera in the cans of herring roe which were examined by the witnesses contained excreta or fecal matter. The particles of viscera found in the cans were not unfit for human consumption nor were such particles injurious to the health of the consuming public.

"9. The contention of the United States in this case is—and its witnesses, all of whom are in the employ of the United States, so testify—that particles of viscera adhering to and mixed with fish roe, create a condition calculated to offend the aesthetic senses of the consuming public. No witness from the consuming public was introduced to testify that such a condition would be offensive to him or that in his opinion it would be offensive to the consuming public.

"The Federal Food, Drug, and Cosmetic Act (Title 21, Section 301 [331] et seq., U.S.C.A.) prohibits the introduction into interstate commerce of any food which is adulterated or misbranded. There is no charge that the seized fish roe was misbranded, and its condemnation is sought solely on the ground that it is adulterated under the provisions of Section 342 (a) (3). It is there provided that a food shall be deemed to be adulterated '* * * if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; * * *.' The United States concedes that the fish roe in question contained no putrid substance, and the evidence shows that none of the post-seizure samples of fish roe contained any decomposed matter. Neither is it claimed that the fish roe is injurious to the health of the consuming public. The contention of the United States as set forth in its bill of particulars is that the fish roe 'consists of a filthy substance in that it contains portions of the stomach and intestines of fish adhering to and mixed with the roe.' There is no allegation or evidence that such viscera was unclean or contained any excreta of the fish or that it was filthy on account of its physical condition. Indeed, it is conceded that it was given the same cleansing and heating process as was given to the roe itself. The sole contention of the United States is that viscera of itself and regardless of its physical condition is inherently offensive to the aesthetic senses of the consuming public and that fish roe which contains viscera is therefore filthy within the meaning of the statute. With this contention I cannot agree.

"In order to sustain the contention of the United States, the court would have to write into the statute a prerequisite to condemnation which the statute as passed by Congress does not contain. The act permits the condemnation of a food if it contains any filthy, putrid, or decomposed substance. The court is asked to hold that a food is adulterated and may be condemned if it is offensive to the aesthetic senses. Under no rule of construction known to the court can this be done. But even if the law provided for the condemnation of a food containing an offensive substance, there is no evidence before the court that the fish roe sought to be condemned is offensive to the consuming public. The employees of the United States testify that such is a fact, but the United States fails to produce a single witness from the consuming public to so testify. As a matter of fact it appears in the evidence that Sherwood Fish Products Corporation has been canning fish roe in large quantities for many years in identically the same method without a single complaint from the consuming public. Nor can the court take judicial knowledge that fish roe containing particles of clean viscera of the fish is inherently offensive to the consuming public. Food which is offensive to one person may be deemed by another to be highly delectable. The court knows that the viscera of certain animals, such as tripe and chitterlings, is not only in general use as a food but is greatly relished by epicures. The evidence shows and the court knows as a matter of common knowledge that it is impractical, if not impossible, to can fish roe in large quantities without including particles of the viscera of the fish with the roe. The United States has not established, as it has a right to do under Section 341 of the Act, a standard of tolerance as a basis for the condemnation of fish roe containing viscera of fish, and it is conceded that several particles of viscera in some of the cans would not be deemed objectionable. If it be admitted that a food may be condemned which is not injurious to the health of the consuming public but is merely offensive to the aesthetic senses, the duty rests on the United States to make

out a case for condemnation by clear and satisfactory evidence. A mere preponderance of the evidence is not sufficient. *Van Camp Sea Food Co., Inc. v. United States*, 82 F. (2d) 365 (C.C.A. 3). This burden, in the opinion of the court, has not been carried.

"Conclusions of Law. My conclusion of law is that the seized herring roe is not adulterated as charged in the libel and bill of particulars filed by the United States and that said libel should be dismissed.

"An order in accordance with the views herein expressed may be presented after notice."

On January 23, 1940, judgment was entered ordering that the product be released to the claimant. On motion of the United States attorney execution was stayed and on February 5, 1940, further stay was ordered. On March 13, 1940, the court ordered that the stay of execution be set aside.

582. Adulteration of oysters. U. S. v. 480 Tins and 1,440 Tins of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 1692. Sample Nos. 3581-E, 3582-E.)

This product contained added water.

On March 23, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 1,920 tins of oysters at Altoona, Pa., alleging that the article had been shipped in interstate commerce on or about March 18, 1940, by Carol Dryden & Co. from Crisfield, Md.; and charging that it was adulterated. It was labeled in part: "Pride of the Chesapeake Oysters."

It was alleged to be adulterated in that water had been substituted wholly or in part therefor and had been added thereto or mixed or packed therewith so as to increase its bulk or weight, to reduce its quality or strength, or to make it appear better or of greater value than it was.

On April 10, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

583. Adulteration of frozen oysters. U. S. v. 9 Cups and 180 Cases of Oysters. Default decrees of condemnation and destruction. (F. D. C. No. 1861. Sample Nos. 7428-E to 7433-E, incl.)

This product was in interstate commerce at the time of examination and was found to be discolored and to show evidence of decomposition at that time.

On April 23, 1940, the United States attorney for the Southern District of California filed libels against 9 cups, and 180 cases each containing 12 cups, of frozen oysters at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about October 11 and November 2, 1937, by the Glacier Bay Oyster Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. The article was labeled in part: "Sea-Kold Fresh Oysters."

On May 15, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

584. Adulteration of frozen skinless pollack fillets. U. S. v. 15 Boxes of Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 1393. Sample No. 80315-D.)

Examination showed the presence of decomposed fish.

On January 26, 1940, the United States attorney for the Southern District of Indiana filed a libel against 15 boxes of fish fillets at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about December 12, 1939, by Genoa Fisheries, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed animal substance.

On April 30, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

585. Misbranding of canned salmon. U. S. v. 100 Cartons of Salmon. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 848. Sample No. 49000-D.)

This product was labeled to indicate that it was red salmon; whereas it was coho salmon, a different species. The flesh varied in color from very light pink to deep pink but could not properly be described as red.

On October 31, 1939, the United States attorney for the District of Massachusetts filed a libel against 100 cartons of salmon at Cambridge, Mass., alleging

that the article had been shipped in interstate commerce on or about August 30, 1939, by Kelley-Clarke Co. from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: "Red-D Brand * * * Packed For Rival Foods, Inc. Cambridge, Mass."

Misbranding was alleged in that the statement on the label, "Red-D Brand Natural Red Color and Oil Salmon," was false and misleading because of the great prominence given to the words "Red" and "Salmon," and in that, because of the use of the term "Natural Red Color and Oil," the labeling implied that the article was red salmon; whereas it was in fact coho salmon.

On March 21, 1940, Rival Foods, Inc., Cambridge, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the labels be obliterated or destroyed and that new labels describing the true nature of the product be affixed to the cans.

SHRIMP

Nos. 586 to 595 report the seizure and disposition of frozen shrimp that was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

586. Adulteration of frozen shrimp. U. S. v. 116 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1578. Sample No. 86473-D.)

On March 7, 1940, the United States attorney for the Southern District of New York filed a libel against 116 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 26, 1939, by E. O. Wentworth from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

587. Adulteration of frozen shrimp. U. S. v. 22 Barrels and 18 Cartons of Frozen Shrimp. Default decrees of condemnation and destruction. (F. D. C. Nos. 1962, 1963. Sample Nos. 15100-E, 15101-E.)

On May 14, 1940, the United States attorney for the Eastern District of Missouri filed libels against 22 barrels, each containing approximately 125 pounds, and 18 cartons each containing 10 pounds, of frozen shrimp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 26, 1938, by Two Brothers Fish Market from Ingleside, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

588. Adulteration of frozen shrimp. U. S. v. 810 Pounds and 330 Pounds of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1540. Sample Nos. 86118-D, 86119-D.)

On February 29, 1940, the United States attorney for the Southern District of New York filed a libel against 1,140 pounds of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 26 to on or about September 12, 1939, by various shippers from Berwick and Morgan City, La.; Southport, N. C.; Port Royal, S. C.; and Apalachicola, Fla. The shipments had been made by J. R. Hardy, Jr., from Berwick and Morgan City, La.; Colonial Shrimp Co. from Southport, N. C.; A. A. Fagan from Port Royal, S. C.; and Rice Bros. Packing Co. from Apalachicola, Fla.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

On March 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

589. Adulteration of frozen shrimp. U. S. v. 262 Pans of Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1871. Sample No. 10153-E.)

On April 25, 1940, the United States attorney for the Southern District of New York filed a libel against 262 pans, each containing 10 pounds, of shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15, 1940, by the American Fish Co. from Boston,

Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 15, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

590. Adulteration of frozen shrimp. U. S. v. 80 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1514. Sample No. 86113-D.)

On February 26, 1940, the United States attorney for the Southern District of New York filed a libel against 80 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Carteret Fish Co. from Beaufort, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

591. Adulteration of frozen shrimp. U. S. v. 19 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1685. Sample No. 10388-E.)

On March 23, 1940, the United States attorney for the Southern District of New York filed a libel against 19 bags of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by Piner Fleet Fish Co. from Southport, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

592. Adulteration of frozen shrimp. U. S. v. 49 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1619. Sample No. 10382-E.)

On March 14, 1940, the United States attorney for the Southern District of New York filed a libel against 49 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 17, 1939, by L. G. Ambos from Thunderbolt, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

593. Adulteration of frozen shrimp. U. S. v. 250 Bags of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1600. Sample No. 86474-D.)

On March 11, 1940, the United States attorney for the Southern District of New York filed a libel against 250 bags, each containing 10 pounds, of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1939, by the Independent Shrimp Co. from Charleston, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

594. Adulteration of frozen shrimp. U. S. v. 8 Barrels of Frozen Shrimp. Default decree of condemnation and destruction. (F. D. C. No. 1664. Sample No. 10387-E.)

On March 20, 1940, the United States attorney for the Southern District of New York filed a libel against eight barrels of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce in part on or about August 18, 1937, by Ramos Bros. from Thunderbolt, Ga., and in part on or about August 20, 1937, by Atlantic Shrimp Co., from Brunswick, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

595. Adulteration of frozen shrimp. U. S. v. 12 Boxes of Frozen Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1563. Sample No. 86471-D.)

On March 5, 1940, the United States attorney for the Southern District of New York filed a libel against 12 boxes, each containing 120 to 130 pounds, of frozen shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 8, 1938, by the Pacetti Fish Co. from Port Arthur, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On April 4, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

596. Adulteration of canned shrimp. U. S. v. 95 Tins of Shrimp. Consent decree of condemnation and destruction. (F. D. C. No. 1637. Sample No. 3601-E.)

This product was in whole or in part decomposed.

On March 14, 1940, the United States attorney for the Western District of New York filed a libel against 95 tins of shrimp at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by Riverside Packing Co., Inc., from Berwick, La.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Riverside Brand * * * Shrimp."

On March 15, 1940, Booth Fisheries Corporation, owner, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

597. Adulteration of apples. U. S. v. 64 Bushels of Apples. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 663. Sample No. 82229-D.)

This product contained lead spray residue.

On or about September 20, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 64 bushels of apples at Shawnee, Okla., alleging that the article had been transported in interstate commerce on or about September 17, 1939, by T. H. Owens, in his own truck, from Springdale, Ark.; and charging that it was adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On September 20, 1939, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

598. Adulteration of apples. U. S. v. 100 Boxes and 160 Boxes of Apples. Default decrees of condemnation, forfeiture, and destruction. (F. D. C. Nos. 1796, 1797. Sample Nos. 7421-E, 7422-E.)

Examination showed that the apples in these shipments bore spray residue containing lead.

On March 28 and 29, 1940, the United States attorney for the Southern District of California filed libels against 260 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 21 and 22, 1940, by Ira Cleveland from Yakima, Wash.; and charging that they were adulterated in that they contained a poisonous or deleterious substance. The apples in each shipment were labeled in part: "Triton * * * Apples. The Triton Company, Seattle."

On April 24 and 25, 1940, no claimant having appeared, decrees of condemnation and forfeiture were entered and the product was ordered destroyed.

599. Adulteration of celery. U. S. v. 45 Crates of Celery. Default decree of condemnation and destruction. (F. D. C. No. 1751. Sample No. 3821-E.)

This product bore arsenic and lead spray residue.

On April 3, 1940, the United States attorney for the Western District of New York filed a libel against 45 crates of celery at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Pioneer Vegetable Exchange, Inc., from Los Angeles, Calif.; and charging that it was adulterated in that it bore or contained added poisonous or deleterious substances, namely, arsenic and lead, which might have rendered

it injurious to health. The article was labeled in part: "Golden Heart Kole-Pak Brand."

On April 29, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

600. Misbranding of potatoes. U. S. v. 180 Barrels of Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 285. Sample No. 69603-D.)

Examination showed that these potatoes were of a grade lower than U. S. Grade No. 1, because of excessive grade defects.

On July 12, 1939, the United States attorney for the Eastern District of New York filed a libel against 180 barrels of potatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 1939 [July 8, 1939], by M. Duer & Co., Inc., from Belle Haven, Va.; and charging that it was misbranded in that the statement "U. S. 1" was false and misleading when applied to potatoes below U. S. Grade No. 1. The article was labeled: "Lion Brand U. S. 1."

On August 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

601. Adulteration of canned apricots. U. S. v. 1,083 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. D. C. No. 1709. Sample Nos. 71554-D, 10247-E.)

Samples of this product were found to contain worms and worm fragments.

On March 25, 1940, the United States attorney for the Eastern District of New York filed a libel against 1,083 cases of canned apricots at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by the Banning Canning Co. from Banning, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bann-Co. Brand Preheated California Apricots."

On April 11, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

602. Adulteration of canned apricots. U. S. v. 500 Cartons of Canned Apricots (and 5 other seizure actions involving canned apricots). Decrees of condemnation. Portion of product ordered released under bond for segregation and destruction of the unfit fruit. Remainder ordered destroyed. (F. D. C. Nos. 1331, 1476, 1561, 1579, 1628, 1766. Sample Nos. 71230-D, 71547-D, 88750-D, 98688-D, 98689-D, 6182-E.)

Samples of this product were found to contain insects, worms, and worm excreta.

Between January 10 and April 9, 1940, the United States attorneys for the District of New Jersey, the District of Ohio, the Eastern District of New York, the Southern District of Texas, and the District of New Mexico filed libels against 500 cartons of canned apricots at Port Newark, N. J.; 263 cases at Paterson, N. J.; 418 cases at Cincinnati, Ohio; 12 cases at Brooklyn, N. Y.; 15 cases at Corpus Christi, Tex.; and 74 cases at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce, within the period from on or about July 6, 1939, to on or about January 23, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Val Vita Brand Whole Apricots."

On April 6, 1940, Val Vita Food Products, Inc., having admitted the allegations of the two libels filed in the District of New Jersey and the cases having been consolidated, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that the portion which was fit for human consumption be separated from the unfit portion and that the latter be destroyed. On April 4, April 16, and May 1, 1940, no claimant having appeared in the remaining cases, judgments of condemnation were entered and the product was ordered destroyed.

603. Adulteration of canned strawberries. U. S. v. 87 Cans of Processed Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 1829. Sample No. 7427-E.)

Examination of this product showed the presence of moldy strawberries.

On April 17, 1940, the United States attorney for the Southern District of California filed a libel against 87 cans of processed strawberries at Long Beach, Calif., alleging that the article had been shipped in interstate com-

merce on or about December 21, 1939, by Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

604. Adulteration and misbranding of canned peas. U. S. v. 304 Cases of Canned Peas (and 3 other seizure actions involving canned peas). Default decrees of condemnation and destruction. (F. D. C. Nos. 1465, 1466, 1542, 1543. Sample Nos. 73699-D, 73978-D, 73979-D, 86853-D.)

This product was found to be in whole or in part decomposed; it consisted of sweet, or sugar, peas and not Early June peas as labeled; and one lot was falsely labeled as to the name of the packer.

On February 9 and March 1, 1940, the United States attorney for the District of Massachusetts filed libels against 438 cases of canned peas at Boston, Mass., and 725 cases of canned peas at Fitchburg, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about December 11, 1939, to on or about January 2, 1940, by the Mount Airy Canning Co. from Baltimore, Md.; and charging that it was adulterated and misbranded. The article was labeled in part variously: "Chapel Brand Food Products Early June Peas * * * Distributed by Talbot Packing Corp., Easton, Md."; or "Tisso Good Brand Early June Peas * * * Packed by Talbot Packing and Preserving Co., Easton, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the statement "Early June Peas," borne on the labels, was false and misleading, since it was sweet peas. The Tisso Good brand was alleged to be misbranded further in that the statement, "Packed By Talbot Packing and Preserving Co., Easton, Md., U. S. A., Factories: Cordova and Willoughby, Md.," borne on the label, was false and misleading, since the article was packed by the Mount Airy Canning Co.

On March 25 and April 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

605. Misbranding of canned peas. U. S. v. 19 Cases and 23 Cases of Canned Peas. Default decree of condemnation and destruction. Product ordered delivered to a charitable institution. (F. D. C. No. 1842. Sample Nos. 10488-E, 10489-E.)

Examination showed this article to be soaked dry peas.

On April 18, 1940, the United States attorney for the Southern District of New York filed a libel against 19 cases and 23 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 20, 1939, and February 21, 1940, respectively, by W. H. Roberts & Co. from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Faust Brand Peas Packed for Sentney Wholesale Grocery Co., Hutchinson, Kans."; and "'Of Course' P M Brand Alaska Peas * * * Packed for Pratt-Mallory Co., Sioux City, Iowa."

The article was alleged to be misbranded in that the labeling on the cans, as set out above, was false and misleading, when applied to articles that were soaked dry peas.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

606. Adulteration and misbranding of canned peas. U. S. v. 244 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. No. 1505. Sample No. 86269-D.)

This product was canned soaked dry peas and not Early June peas as labeled.

On February 20, 1940, the United States attorney for the District of New Jersey filed a libel against 244 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by Frederick City Packing Co. from Frederick, Md.; and charging that it was adulterated and misbranded. The article was labeled in part: "Richland Brand Early June Peas."

The article was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for Early June peas. It was alleged to be misbranded in that the statement on the label, "Early June Peas," and the design of peas in pods were false and misleading since it was soaked dry peas.

On March 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

607. Adulteration of canned peas. U. S. v. 32 Cases of Peas. Default decree of condemnation and destruction. (F. D. C. No. 1630. Sample No. 7501-E.)

This product was weevil-infested.

On March 12, 1940, the United States attorney for the Southern District of California filed a libel against 32 cases of canned peas at Riverside, Calif., alleging that the article had been shipped in interstate commerce on or about December 22, 1939, by Pleasant Grove Canning Co. from Provo, Utah; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. The article was labeled in part: "Del Haven Brand Sweet Peas Packed for Federated Foods Inc. San Francisco Chicago."

On April 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

608. Adulteration of canned hominy. U. S. v. 65 Cases of Canned Hominy. Consent decree of condemnation and destruction. (F. D. C. No. 1912. Sample No. 6472-E.)

This product was found to be decomposed.

On May 2, 1940, the United States attorney for the District of Colorado filed a libel against 65 cases, each containing 24 cans, of hominy at Denver, Colo., consigned by the Norfolk Packing Co., alleging that the article had been shipped in interstate commerce on or about April 4, 1940, from Plattsmouth, Nebr.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "La Platte Hominy * * * Packed for La Platte Sales Co., Peoria, Ill."

On May 11, 1940, the Norfolk Packing Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

609. Adulteration of canned sauerkraut. U. S. v. 39 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 1122. Sample No. 56217-D.)

This product was in interstate commerce at the time of examination, and was found to be undergoing chemical decomposition and to be otherwise unfit for food at that time.

On December 1, 1939, the United States attorney for the Northern District of California filed a libel against 39 cases of canned sauerkraut at Oakland, Calif., alleging that the article had been shipped on or about November 21, 1938, by Geneva Preserving Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. It was labeled in part: "Geneva Sauerkraut. * * * Geneva Preserving Co. Geneva, * * * N. Y."

On January 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

Nos. 610-622, 624, and 625 report the seizure and disposition of tomato catsup that contained excessive mold, indicating the presence of decomposed material.

610. Adulteration of canned tomato catsup. U. S. v. 48 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1727. Sample No. 13339-E.)

On April 1, 1940, the United States attorney for the District of Oregon filed a libel against 48 cases of tomato catsup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by Newbauer & Schmale from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Real-Red Brand Tomato Catsup Made in part from residual tomato material * * * Stockton Food Products Inc. Stockton, Calif."

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

611. Adulteration and misbranding of tomato catsup. U. S. v. 100 Cases and 431 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1850, 1975. Sample Nos. 13129-E, 13158-E.)

On April 22 and May 16, 1940, the United States attorney for the Eastern District of Washington filed libels against 531 cases of tomato catsup at Spokane,

Wash., alleging that the article had been shipped in interstate commerce within the period from on or about November 8, 1939, to on or about February 29, 1940, by Seiters, Inc., from Post Falls, Idaho; and charging that it was adulterated and that one lot was also misbranded. The article was labeled in part: (Bottle) "Syringa Brand Tomato Catsup * * * Seiters Inc. Post Falls, Idaho," or "Tastewell Tomato Catsup * * * National Retailer-Owned Grocers, Inc. Distributors * * * Chicago"; (neck label) "Tastewell brand All products bearing this label are guaranteed to comply with the pure food laws."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

The Tastewell brand was alleged to be misbranded since it did not comply with the Federal Food, Drug, and Cosmetic Act.

On June 1 and June 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

612. Adulteration of tomato catsup. U. S. v. 287 Cases of Tomato Catsup. Consent decree entered providing for release of product under bond. (F. D. C. No. 1421. Sample No. 81147-D.)

On January 30, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 287 cases of tomato catsup at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about October 4, 1939, by the Lake Erie Canning Co. from Sandusky, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Pure Gold Catsup of Tomatoes."

On February 21, 1940, the Lake Erie Canning Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released to the claimant under bond conditioned that it should not be disposed of in violation of the law. The portion of the product which was found to be unfit was segregated and destroyed and the portion which was wholesome was released.

613. Adulteration of tomato catsup. U. S. v. 498 Cases of Tomato Catsup (and 8 other seizure actions against tomato products). Decrees of condemnation. Product in all lots ordered destroyed. Certain lots taken down under bond for salvaging containers. (F. D. C. Nos. 1080, 1223, 1278, 1373, 1444, 1715, 1720, 1778, 1828. Sample Nos. 48254-D, 66775-D, 67098-D, 72034-D, 72035-D, 72122-D, 6431-E, 6450-E, 8091-E, 8097-E.)

Between November 27, 1939, and April 18, 1940, the United States attorneys for the Western District of Oklahoma, Western District of Michigan, District of Kansas, and the District of Minnesota filed libels against 1,831 cases of tomato catsup in various lots at Enid, Oklahoma City, and El Reno, Okla.; 279 cases at Escanaba, Mich.; 240 cases at Topeka, Kans.; and 570 cases at St. Paul, Minn., alleging that the article had been shipped in interstate commerce by the Frazier Packing Corporation. On March 27 and April 18, 1940, the United States attorney for the District of Colorado filed libels against 579 cases of tomato catsup which had been shipped in interstate commerce by the same firm. It was alleged in the libels that the shipments had been made within the period from on or about March 3, 1939, to on or about January 24, 1940, from Elwood, Ind.; and that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part variously: "Frazier's Tomato Catsup * * * Prepared by Frazier Packing Corp. Elwood Indiana"; "White Birch Brand Catsup * * * Carpenter Cook Co., Menominee, Mich."; "Brimful Brand Tomato Catsup * * * H. A. Marr Grocery Co., Distributors"; "Tee Pee Brand Catsup * * * Packed for The Theo. Poehler Merc. Co., Lawrence * * * Kansas"; "Blue Rock Brand Tomato Catsup Distributed by Northern Jobbing Company St. Paul Minn."; "Dreher's Tomato Catsup * * * Packed for the Dreher Pickle Co., Fort Collins, Colo."; "YB Brand Fancy Tomato Catsup * * * Packed for Yoelin Bros. Merc. Co. Denver Colo."

The Frazier Packing Corporation entered its appearance in the actions instituted in the Western District of Oklahoma and the District of Kansas and admitted the allegations of the libels filed in said districts. On March 8, 1940, judgment of condemnation was entered in the Western District of Oklahoma, and it was ordered that the product be released to the claimant conditioned that the catsup be destroyed and the containers salvaged. On October 5, 1940, judgment was entered as of March 7, 1940, forfeiting the goods seized in the District of Kansas and ordering their release under bond for similar disposition. Between February 8 and May 3, 1940, no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

614. Adulteration of tomato catsup. U. S. v. 10 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1615. Sample No. 97247-D.)

Samples of this product were found to contain flies in addition to mold.

On March 13, 1940, the United States attorney for the District of Nebraska filed a libel against 10 cases of tomato catsup at Scottsbluff, Nebr., alleging that the article had been shipped in interstate commerce on or about October 21, 1939, by the Stacy Vorwerk Co. from Cheyenne, Wyo.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance. The article was labeled in part: "Nation's Garden Brand Tomato Catsup * * * Packed For Fine Foods, Inc. Seattle, Minneapolis."

On June 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

615. Adulteration of tomato catsup. U. S. v. 426 Cases and 498 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1559. Sample Nos. 81413-D, 81414-D.)

On March 4, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 924 cases of tomato catsup at McKeesport, Pa., alleging that the article had been shipped in interstate commerce on or about October 4, 1939, by the Beutel Pickling & Canning Co. from Bay City, Mich.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Michigan Tomato Catsup, * * * Beutel Pickling & Canning Co."; or "Sunny Boy Brand Tomato Catsup * * * Distributed by Potter McCune Co., McKeesport, Pa."

On April 22, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

616. Adulteration of tomato catsup. U. S. v. 54 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1700. Sample No. 97372-D.)

On March 25, 1940, the United States attorney for the District of Idaho filed a libel against 54 cases of tomato catsup at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about October 4 and 23, 1939, by the North Ogden Canning Co. from North Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Magic Lake Brand Standard Catsup."

On April 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

617. Adulteration of tomato catsup. U. S. v. 60 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1609. Sample No. 56484-D.)

On or about March 9, 1940, the United States attorney for the Southern District of Texas filed a libel against 60 cases of tomato catsup at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about January 17, 1940, by the Independent Grocers Alliance Distributors, Inc., from Alameda, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Much More Brand Tomato Catsup * * * Packed for Food Products Co., of America, General Offices, Chicago, Ill."

On April 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

618. Adulteration of tomato catsup. U. S. v. 10 Cases and 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1577. Sample Nos. 97365-D, 97368-D.)

On March 6, 1940, the United States attorney for the District of Idaho filed a libel against 34 cases of tomato catsup at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce on or about November 27 and December 21, 1939, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Nation's Garden Brand Tomato Catsup * * * Packed for Fine Foods, Inc., Seattle, Minneapolis"; and "Gateway Brand * * * Tomato Catsup * * * Perry Canning Co., Perry, Utah."

On April 17, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

619. Adulteration of tomato catsup. U. S. v. 75 Cases and 24 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1627, 1659. Sample Nos. 56494-D, 56495-D.)

One lot of this product contained excessive mold, indicating the presence of decomposed material. The remaining lot contained fragments of larvae and other filth resulting from worm infestation.

On or about March 12 and 19, 1940, the United States attorneys for the Eastern District of Texas and the Western District of Texas filed libels against 75 cases of tomato catsup at Denton, Tex., and 24 cases of tomato catsup at Mexia, Tex., alleging that the article had been shipped in interstate commerce on or about January 27, 1940, by the Howard Terminal from Oakland, Calif.; and charging that it was adulterated. It was labeled in part: "Real-Red Brand Tomato Catsup * * * Stockton Food Products Inc., Stockton, Calif."

Adulteration was alleged with respect to one lot in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and with respect to the other lot in that it consisted in whole or in part of a filthy substance.

On April 2 and June 13, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

620. Adulteration of tomato catsup. U. S. v. 98 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1732. Sample No. 12404-E.)

On April 1, 1940, the United States attorney for the Southern District of Florida filed a libel against 98 cases, each containing 6 cans, of tomato catsup at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about March 5, 1940, by Harcourt, Greene Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Racquet Brand Tomato Catsup * * * Harcourt, Greene Co., Distributors."

On April 29, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

621. Adulteration of tomato catsup. U. S. v. 85 Cases of Tomato Catsup (and 3 other seizure actions against catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 1467, 1560, 1713, 2160. Sample Nos. 66747-D, 90821-D, 18365-E, 16604-E.)

All lots of this product contained excessive mold, indicating the presence of decomposed material. One lot also contained fragments of insect larvae and other filth resulting from insect infestation.

On or about February 15, March 2, March 27, and June 15, 1940, the United States attorneys for the District of Kansas and the District of Idaho, filed libels against 85 cases of tomato catsup at Hillsboro, Kans.; 168 cases at Hutchinson, Kans.; and 182 cases at Boise, Idaho, alleging that the article had been shipped in interstate commerce within the period from on or about November 5, 1939, to on or about February 19, 1940. The libels alleged that the shipments, with one exception, had been made by the Smith Canning Co. from Brigham and Clearfield, Utah; that one lot had been shipped by the Box Elder Packing Corporation from Brigham, Utah; and that the article was adulterated. It was labeled in part: "La Vora Brand [or "Dinnerette Brand"] * * * Distributed By Smith Canning Co., Clearfield, Utah."

The article was alleged to be adulterated in that portions consisted in whole or in part of a decomposed substance, and that one portion consisted in whole or in part of a filthy and decomposed substance.

On March 29, April 3, June 27, and June 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

622. Adulteration of tomato catsup. U. S. v. 27 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1597. Sample Nos. 97367-D, 97369-D, 97370-D.)

On March 9, 1940, the United States attorney for the District of Idaho filed a libel against 27 cases of tomato catsup at Twin Falls, Idaho, alleging that the article had been shipped in interstate commerce within the period from on or about November 13, 1939, to on or about February 16, 1940, by the Pacific Fruit Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

The product was labeled in part: "Nation's Garden Brand Tomato Catsup * * * Packed for Fine Foods, Inc., Seattle Minneapolis"; or "Gateway Brand Tomato Catsup * * * Perry Canning Co., Perry, Utah."

On April 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

623. Adulteration of tomato catsup. U. S. v. 42 Cases of Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1993. Sample No. 6094-E.)

This product contained fragments of insect larvae and other filth resulting from insect infestation.

On June 4, 1940, the United States attorney for the District of Wyoming filed a libel against 42 cases of catsup at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by Woods Cross Canning Co. from Clearfield, Utah; and charging that it was misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it consisted wholly or in part of a filthy substance. The article was labeled in part: "Clearfield Brand Catsup."

On June 28, 1940, no claimant having appeared, judgment was entered finding the product adulterated in that it was composed in whole or in part of a filthy substance, namely, worm and insect fragments; and the product was ordered condemned and destroyed.

624. Adulteration of tomato catsup. U. S. v. 40 Cases of Catsup (and 2 other seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 1535, 1680, 1686. Sample Nos. 92328-D, 92378-D, 12403-E.)

One shipment of this product was found to contain excessive mold, one contained worm and insect fragments, and in another shipment both conditions were found.

On or about February 27, March 23, and March 28, 1940, the United States attorney for the Eastern District of Louisiana, Eastern District of Virginia, and Southern District of Texas filed libels against 40 cases of tomato catsup at New Orleans, La.; 197 cases at Norfolk, Va.; and 23 cases of the same product at Houston, Tex., alleging that the article had been shipped in interstate commerce within the period from on or about January 15 to on or about March 2, 1940, from Oakland, Calif., in part by the Stockton Food Products, Inc., and in part by the Howard Terminal; and charging that it was adulterated. The article was labeled in part: "Real-Red Brand Tomato Catsup Made in Part from Residual Tomato Material from Canning. Stockton Food Products Inc., Stockton, Calif."

The libels alleged adulteration with respect to one shipment in that it consisted in whole or in part of a decomposed substance; with respect to a second shipment in that it consisted in whole or in part of a filthy substance; and with respect to the third shipment in that it consisted in whole or in part of a filthy and decomposed substance.

On April 12, 22, and 30, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

625. Adulteration and misbranding of tomato catsup. U. S. v. 16 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1760. Sample No. 6021-E.)

This product contained excessive mold. The cans failed to bear an accurate statement of the quantity of the contents since they were labeled "1 lb. 14 oz."; whereas they contained about 7 pounds and 2 ounces.

On or about April 16, 1940, the United States attorney for the District of Montana filed a libel against 16 cases of canned tomato catsup at Butte, Mont., alleging that the article had been shipped in interstate commerce on or about October 2, 1939, by H. D. Olson from Perry, Utah; and charging that it was adulterated and misbranded. It was labeled in part: "Gateway Brand * * * Tomato Catsup * * * Perry Canning Co. Perry, Utah."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food.

It was alleged to be misbranded in that the statement on the label, "Net Weight 1 lb. 14 oz.," was false and misleading since the statement was incorrect; and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On May 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

626. Adulteration of tomato catsup. U. S. v. 150 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1590. Sample No. 83570-D.)

Samples of this product were found to contain worm and insect fragments.

On March 6, 1940, the United States attorney for the District of Oregon filed a libel against 150 cases of tomato catsup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 26, 1940, from Vancouver, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. This lot of goods originally had been shipped from San Francisco, Calif., to a Government agency at Vancouver Wash., and was rejected and reshipped to Portland, Oreg. It was labeled in part: (Can) "Tomato Catsup * * * World's Fair Brand Packed by Sutter Packing Company Palo Alto, California."

On April 17, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

627. Adulteration of catsup. U. S. v. 30 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1815. Sample No. 13107-E.)

This product was found to contain worm and insect fragments.

On April 13, 1940, the United States attorney for the District of Idaho filed a libel against 30 cases, each containing 6 cans, of catsup at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part: "Meco Brand Catsup * * * Packed for Mason, Ehrman and Co., Main Office, Portland, Oregon."

On May 15, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

628. Adulteration of tomato catsup. U. S. v. 35 Cases and 32 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 422, 451. Sample Nos. 40833-D, 40834-D.)

Samples of this product were found to contain worm and insect fragments.

On August 21, 1939, the United States attorney for the District of New Mexico filed libels against 67 cases of tomato catsup at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 6, 1939, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Val Vita Brand Tomato Catsup."

On September 15, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

629. Adulteration of tomato catsup. U. S. v. Val Vita Food Products, Inc. Plea of guilty. Payment of fine suspended. (F. D. C. No. 925. Sample Nos. 40833-D, 40834-D.)

Samples of this product were found to contain worms, worm fragments, insects, and insect fragments.

On February 7, 1940, the United States attorney for the Southern District of California filed an information against Val Vita Food Products, Inc., Fullerton, Calif., alleging shipment by said company on or about July 6, 1939, from the State of California into the State of New Mexico of a quantity of tomato catsup which was adulterated. The article was labeled in part: "Val Vita Brand Tomato Catsup."

Adulteration was alleged in that the article consisted in whole or in part of a filthy substance, namely, tomato catsup containing worms, worm fragments, insects, and insect fragments.

The information also charged violation of the Food and Drugs Act of 1906, reported in notice of judgment No. 31063 published under that act.

On February 26, 1940, the defendant entered a plea of guilty to all 18 counts of the information. The court imposed a fine of \$100 on each of the first 15 counts of the information, but suspended payment of fine on the last 3 counts, one of which involved the violation of the Federal Food, Drug, and Cosmetic Act reported herein.

630. Adulteration of tomato catsup and adulteration and misbranding of tomato sauce. U. S. v. 396 Cases of Tomato Catsup and 199 Cases of Tomato Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 1683, 1790. Sample Nos. 72963-D, 12409-E.)

Both products contained excessive mold, indicating the presence of decomposed material; in addition, the tomato catsup contained worm and insect fragments and a portion of the tomato sauce was short weight.

On or about April 2 and 10, 1940, the United States attorneys for the Southern District of Georgia and the District of Maryland filed libels against 396 cases of tomato catsup at Savannah, Ga., and 199 cases of tomato sauce at Baltimore, Md., alleging that the articles had been shipped in interstate commerce on or about March 5, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated and that one lot of the tomato sauce was misbranded. The articles were labeled in part variously: "MS C * * * Tomato Catsup * * * Packed for Recorg Supply Corporation Chicago, Illinois"; "Royal Clover Brand * * * Tomato Sauce Contents 8 oz. Avoir * * * Distributed by B. H. Rudo & Brother, Baltimore, Md."; "Royal Clover Brand * * * Tomato Sauce Contents 7¾ oz Avoir * * * Distributed by Royal Clover Distributing Co. Baltimore, Md."

Adulteration was alleged with respect to the tomato catsup in that it consisted in whole or in part of a filthy and decomposed substance; and with respect to the tomato sauce in that it consisted in whole or in part of a decomposed substance.

One lot of the tomato sauce was alleged to be misbranded in that the statement "Contents 8 oz. Avoir." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 22 and May 3, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

631. Adulteration of canned tomato paste. U. S. v. 15, 29, 54, and 100 Cases of Tomato Paste. Decrees of condemnation. Portions of product ordered released under bond. Remainder ordered destroyed. (F. D. C. Nos. 1209, 1231. Sample Nos. 72923-D to 72926-D, incl.)

Samples of this product were found to contain excessive mold.

On December 18 and 22, 1939, the United States attorneys for the Southern District of Iowa and the District of Minnesota filed libels against 98 cases of tomato paste at Des Moines, Iowa, and 100 cases of tomato paste at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about December 1 and 5, 1939, by the Consolidated Freight Forwarding Co. (pool shipments) from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. A portion of the article was labeled in part: (Cans) "Delsa Brand * * * Tomato Paste * * * Packed in California by Flotill Products, Inc., Stockton, Calif." The remainder was labeled in part: (Cans) "Madonna Fancy Pure Tomato Paste * * * Packed by Riverbank Canning Company, Riverbank California."

On February 9, 1940, Flotill Products, Inc., Stockton, Calif., claimant for the lot seized in the Southern District of Iowa, namely, the Delsa brand, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be segregated according to codes and reexamined under the supervision of the Food and Drug Administration, and that no portion thereof should be sold or disposed of contrary to law. On February 10, 1940, no claim having been entered for the lot seized at St. Paul, Minn., i. e., the Madonna brand, judgment was entered ordering that it be destroyed.

632. Adulteration of tomato paste. U. S. v. 25 Cases and 40 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. Nos. 1222, 1455. Sample Nos. 72934-D, 73598-D.)

Samples of these products were found to contain excessive mold.

On December 22, 1939, and February 8, 1940, the United States attorneys for the Northern District of Ohio and the District of Maryland filed libels against 25 cases of tomato paste at Mansfield, Ohio, and 40 cases of tomato paste at Baltimore, Md. On February 14, 1940, the libel filed in the Northern District of Ohio was amended. It was alleged in the libels that the article had been shipped in interstate commerce on or about November 30, 1939, and January 9, 1940, by Flotill Products, Inc., from Oakland and Stockton, Calif.; and that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Flotta Brand Pure

Tomato Paste * * * Packed by Flotill Products Inc., Stockton Calif.”; or “Insegna Brand Pure Tomato Paste * * * Packed for A. M. Beebe Company San Francisco.”

On March 6 and 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

633. Adulteration of canned tomato paste. U. S. v. 51 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1889. Sample No. 12961-E.)

This product contained excessive mold.

On April 27, 1940, the United States attorney for the District of Hawaii filed a libel against 51 cases of canned tomato paste at Honolulu, T. H., alleging that the article had been shipped in interstate commerce on or about March 25, 1940, by Theo. H. Davies & Co., Ltd., from San Francisco, Calif.; and charging that it was adulterated in that it contained mold and was in whole or in part filthy, putrid, and decomposed and otherwise unfit for food. The article was labeled in part: (Cans) “Flotta Brand Pure Tomato Paste * * * Packed by Flotill Products Inc. Stockton, Calif.”

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

634. Adulteration of canned tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1716. Sample No. 10145-E.)

This product contained excessive mold.

On March 27, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of canned tomato paste at Fort Lee, N. J., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by Moosalina Products Corporation from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) “Moosalina Brand * * * Pure Tomato Paste * * * Packed in California for Moosalina Products Corp.”

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

635. Adulteration of tomato paste. U. S. v. 48 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1461. Sample No. 73382-D.)

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On February 9, 1940, the United States attorney for the Southern District of Florida filed a libel against 48 cases, each containing 6 cans, of tomato paste at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by Norman L. Waggoner, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The article was labeled in part: “Madonna Fancy Pure Tomato Paste * * * Packed by Riverbank Canning Company, Riverbank, California.”

On April 27, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

636. Adulteration of tomato paste. U. S. v. 679 Cases of Tomato Paste (and 8 other seizure actions involving tomato paste). Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portions. (F. D. C. Nos. 1187, 1192, 1353, 1354, 1429, 1430, 1458, 1539, 1739. Sample Nos. 56441-D, 56442-D, 72950-D, 72954-D, 85690-D, 85842-D, 85843-D, 85844-D, 86053-D.)

Samples taken from three lots of this product were found to contain excessive mold, indicating the presence of decomposed material. Those taken from the remaining lots were found to contain fragments of larvae and other filth resulting from insect infestation.

Between December 22, 1939, and April 3, 1940, the United States attorneys for the Northern District of New York, the Eastern District of New York, the Southern District of New York, and the District of New Jersey, filed libels against 1,359 cases of tomato paste at Albany, N. Y., 362 cases at Brooklyn, N. Y., 590 cases at New York, N. Y., and 430 cases of the product at Hoboken, N. J. On February 15, 1940, the libel that was filed in the Eastern District of New York on January 15, 1940, was amended. It was alleged in the libels that the article had been shipped in interstate commerce within the period

from on or about November 9, 1939, to on or about January 23, 1940, by the Riverbank Canning Co. from Riverbank, Calif.; and that it was adulterated. The article was labeled in part variously: "Madonna Brand Tomato Paste Packed by Riverbank Canning Company"; "Campagnola Brand Tomato Paste * * * Packed by Harbor City Canning Company, Los Angeles, California"; "Minervini Brand Pure Tomato Paste * * * Packed for John Minervini, Hoboken, N. J."; "Fancy Del Bueno Brand Pure Tomato Paste * * * Distributors P. Astarbi and Co., Inc."; "Baiadera Brand Tomato Paste * * * Packed in California for G. Cuccia & Sons Incorporated. New York;" "Premier Tomato Paste Francis H. Leggett & Co., Distributors New York"; or "Appetit Brand Tomato Paste Distributors J. Ossola Co. New York."

Adulteration was alleged with respect to portions of the article in that it consisted in whole or in part of a decomposed substance. Adulteration was alleged with respect to the remainder in that it consisted in whole or in part of a filthy substance.

On February 2, February 20, March 9, and June 28, 1940, the Riverbank Canning Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that any portions which were fit for human consumption be segregated from the unfit portion and that the latter be destroyed.

637. Adulteration of tomato paste. U. S. v. 299 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1678. Sample No. 72956-D.)

This product was found to contain worm and insect fragments and excessive mold, indicating the presence of decomposed material.

On March 22, 1940, the United States attorney for the District of Massachusetts filed a libel against 299 cases, each containing 100 cans, of tomato paste at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about January 24, 1940, by the Turlock Cooperative Growers from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Firenze Product of California Tomato Paste."

On March 22, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

638. Adulteration of tomato paste. U. S. v. 10 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1176. Sample No. 72930-D.)

This product was found to contain worm and insect fragments.

On December 12, 1939, the United States attorney for the District of Arizona filed a libel against 10 cases, each containing 6 cans, of tomato paste at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about November 30, 1939, by the Pacific Pool Car Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Madonna Fancy Pure Tomato Paste * * * Packed by Riverbank Canning Company, Riverbank, Calif."

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

639. Adulteration and misbranding of tomato paste and adulteration of canned tomatoes with sauce. U. S. v. 697 Cases of Tomato Paste (and 2 other seizure actions against tomato products). Consent decrees of condemnation. Products released under bond for segregation and destruction of portions unfit for human consumption. (F. D. C. Nos. 1358, 1481, 1482, 1515. Sample Nos. 56456-D, 72953-D, 72955-D, 73379-D, 73380-D, 92003-D to 92007-D., incl.)

Samples taken from two of the lots of tomato paste were found to contain worm and insect fragments. Samples taken from the remaining lots of tomato paste and the lot of canned tomatoes were found to contain excessive mold, indicating the presence of decomposition. One lot of tomato paste was short weight.

On January 16, February 13, and February 23, 1940, the United States attorneys for the Eastern and the Southern Districts of New York filed libels against 1,464 cases of tomato paste at Brooklyn, N. Y.; and 496 cases of tomato paste and 48 cases of canned tomatoes at New York, N. Y. It was alleged in the libel filed in the Southern District of New York and in the libel filed on February 23, 1940, in the Eastern District of New York, that the articles covered by the said libels

had been shipped by Flotill Products, Inc., in the former instance on or about November 9, 1939, from San Francisco, Calif., and in the latter instance on or about January 22, 1940, from Stockton, Calif. The product covered by the libel filed on January 16, 1940, in the Eastern District of New York was shipped by Flotill Products, Inc., on or about November 30, 1939. Portions of the tomato paste were labeled in part: "Flotta Brand Pure Tomato Paste [or "Sublime Flotta Brand"] * * * Packed by Flotill Products, Inc., Stockton Calif." The remainder of the tomato paste was labeled in part: "Gina [or "Moosalina" or "Cobo"] Brand * * * Tomato Paste * * * Packed in California for Moosalina Product Corp. Brooklyn, N. Y." The canned tomatoes were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes with Sauce * * * Packed by Flotill Products Inc., Stockton, Calif."

Certain lots of the tomato paste and the lot of canned tomatoes were alleged to be adulterated in that they consisted wholly or in part of decomposed substances. The remaining lots of the tomato paste were alleged to be adulterated in that they consisted wholly or in part of filthy substances.

Misbranding was alleged with respect to one lot of the Flotta brand tomato paste in that the statement on the label, "Net Weight 7 Lbs.," was false and misleading, and in that the article was in package form and did not bear an accurate statement of the quantity of contents.

On February 28 and March 28, 1940, Flotill Products, Inc., having appeared as claimant and having admitted the allegations of the libels, judgments of condemnation were entered, and the products were ordered released under bond conditioned that they be segregated according to code numbers and reexamined and that all portions found to be unfit for human consumption be destroyed.

640. Adulteration of canned tomatoes and tomato paste. U. S. v. 99 Cases of Canned Tomatoes and 74 and 25 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1591, 1693, 1694. Sample Nos. 56488-D, 92356-D.)

The canned tomatoes contained excessive mold, indicating the presence of decomposition; and the tomato paste contained worm and insect fragments.

On March 8 and 23, 1940, the United States attorneys for the District of Maine and the Eastern District of Virginia filed libels against 99 cases of canned tomatoes at Portland, Maine, and 99 cases of tomato paste at Norfolk, Va., alleging that the articles had been shipped in interstate commerce on or about January 20 and February 8, 1940, by the Howard Terminal from Oakland, Calif.; and charging that they were adulterated. The articles were labeled in part: "F. P. I. Brand Choice Peeled Tomatoes * * * Packed by Flotill Products Inc. Stockton Calif."; or "Firenze * * * Tomato Paste * * * Packed by Turlock Cooperative Growers San Francisco, Calif."

The canned tomatoes were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The tomato paste was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

On March 26 and April 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

641. Adulteration of tomato paste, canned tomatoes, and tomato catsup; and adulteration and misbranding of tomato sauce. U. S. v. 273 Cases of Tomato Paste, 99 Cases of Tomato Sauce, 197 Cases of Canned Tomatoes, and 148 Cases of Tomato Catsup. Decrees of condemnation. Tomato paste released under bond for segregation and destruction of unfit portion. Remaining products ordered destroyed. (F. D. C. Nos. 1162, 1262, 1690, 1767. Sample Nos. 56444-D, 56459-D, 92057-D, 12708-E.)

The tomato sauce, the added packing medium of the canned tomatoes, and a part of the tomato paste contained excessive mold, indicating the presence of decomposed material. The tomato catsup contained excessive mold, and fragments of insect larvae and other filth resulting from insect infestation. The tomato sauce was also short of the declared weight.

On December 15, 1939, and January 3, March 25, and April 5, 1940, the United States attorneys for the Northern and Southern Districts of New York, the District of Rhode Island, and the Eastern District of Pennsylvania filed libels against 273 cases of tomato paste at Albany, N. Y.; 99 cases of tomato sauce at New York, N. Y.; 197 cases of canned tomatoes at Providence, R. I.; and 148 cases of tomato catsup at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce within the period from on or about November 16, 1939, to on or about March 8, 1940, by Port of Stockton from Stockton, Calif.; and charging that they were adulterated and that the tomato sauce was also misbranded. The articles were labeled in part: "Flotta

Brand Pure Tomato Paste * * * Packed by Flotill Products Inc."; "Dellford Brand * * * Tomato Sauce, * * * Middendorf & Rohrs Distributors, New York"; "Real Red Brand Tomatoes with added strained residual tomato material * * * Stockton Food Products Inc., Stockton, Calif."; "Racquet Brand Tomato Catsup * * * Harcourt, Greene Co., Distributors. San Francisco, Calif."

The canned tomatoes, the tomato sauce, and the tomato paste were alleged to be adulterated in that they consisted in whole or in part of decomposed substances. The tomato catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

The tomato sauce was alleged to be misbranded in that the statement on the label, "Contents 8 oz.," was false and misleading; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On February 6, 1940, Flotill Products, Inc., Stockton, Calif., claimant for the product seized in the Northern District of New York, i. e., the tomato paste, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated from the good portion and destroyed. On January 23, April 19, and May 23, 1940, no claimant having appeared for the remaining products, judgments of condemnation were entered and the products were ordered destroyed.

642. Adulteration of tomato puree. U. S. v. Charles J. Clamme, Sr., and Albert Clamme (Clamme Canning Co.). Pleas of guilty. Fines, \$10. (F. D. C. No. 937. Sample No. 79609-D.)

Examination showed that this product contained excessive mold.

On February 21, 1940, the United States attorney for the Northern District of Indiana filed an information against Charles J. Clamme, Sr., and Albert Clamme, trading as the Clamme Canning Co. at Hartford City, Ind., alleging shipment in interstate commerce on or about October 11, 1939, from Hartford City, Ind., into the State of Illinois of a quantity of puree of tomatoes that was adulterated. The article was labeled in part: "Richelieu Brand Puree of Tomatoes Distributed by Sprague, Warner & Company, Chicago, Ill."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, namely, puree of tomatoes containing excessive mold.

On April 24, 1940, the defendants entered pleas of guilty and the court imposed fines totaling \$10.

Nos. 643-646, inclusive, report the seizure and disposition of tomato puree that contained excessive mold, indicating the presence of decomposed material.

643. Adulteration of tomato puree. U. S. v. 48 Cases and 149 Cases of Tomato Puree. Default decrees of condemnation and destruction. (F. D. C. Nos. 1781, 1848. Sample Nos. 13119-E, 13121-E.)

On or about April 12 and 23, 1940, the United States attorney for the Eastern District of Washington filed libels against 48 cases and 149 cases, respectively, of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce from Ogden, Utah, in part on or about October 10 and November 28, 1939, by the Royal Canning Corporation, and in part on or about January 26, 1940, by H. D. Olson; and charging that it was adulterated. The product was labeled in part: "Little Boy Blue Brand Puree * * * Royal Canning Corp., Ogden, Utah"; and "Falls Brand Whole Tomato Puree. Packed for Roundup Grocery Company, Spokane, Washington."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

On June 1, 1940, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed.

644. Adulteration of tomato puree. U. S. v. 49 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1754. Sample No. 13123-E.)

On about April 6, 1940, the United States attorney for the Eastern District of Washington filed a libel against 49 cases of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 26, 1940, by H. D. Olson from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Roundup Brand * * * Packed for Roundup Grocery Co., Spokane, Wash."

On May 13, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

645. Adulteration of tomato puree. U. S. v. 86 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 1802. Sample Nos. 9388-E, 9522-E.)

On April 11, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 86 cases of tomato puree at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 21, 1940, by Michigan Fruit Cannery, Inc., from Benton Harbor, Mich.; and charging that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Fruit Belt Puree Tomatoes."

On May 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

646. Adulteration of tomato puree. U. S. v. 68 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1788. Sample No. 13106-E.)

On April 11, 1940, the United States attorney for the District of Idaho filed a libel against 68 cases, each containing 6 cans, of tomato puree at Moscow, Idaho, alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Meco Brand Tomato Puree * * * Packed for Mason Ehrman and Co., * * * Portland, Oreg."

On May 6, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

647. Adulteration of tomato sauce, tomato paste, and tomato catsup. U. S. v. 47 Cases of Tomato Sauce (and 2 other seizure actions against tomato products). Default decrees of condemnation and destruction. (F. D. C. Nos. 1666, 1675, 1765. Sample Nos. 9287-D, 13110-E, 13111-E.)

These products contained excessive mold, indicating the presence of decomposed material; and the tomato paste and tomato catsup also contained insect fragments.

On March 23 and April 5, 1940, the United States attorneys for the Eastern District of Washington and the Middle District of Alabama filed libels against 47 cases of tomato sauce and 9 cases of tomato paste at Spokane, Wash., and 197 cases of tomato catsup at Montgomery, Ala., alleging that the articles had been shipped in interstate commerce within the period from on or about January 11 to on or about February 9, 1940, by B. H. Body Co. from Oakland and San Francisco, Calif.; and charging that they were adulterated. The articles were labeled in part, variously: "Shurfine Fancy Grade Tomato Sauce * * * National Retailer-Owned Grocers, Inc., Distributors Chicago, Ill."; "Granada Brand Fancy Tomato Paste * * * B. H. Body Inc. Distributors"; and "Real-Red Brand Tomato Catsup * * * Stockton Food Products, Inc. Stockton, Calif."

The tomato sauce was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The tomato paste and tomato catsup were alleged to be adulterated in that they consisted wholly or in part of filthy and decomposed substances.

On April 29 and May 10, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

Nos. 648-652 report the seizure and disposition of tomato sauce and hot sauce that contained excessive mold, indicating the presence of decomposed material.

648. Adulteration of hot sauce and tomato sauce. U. S. v. 78 Cases and 50 Cases of Hot Sauce, and 99 Cases of Tomato Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 1546, 1632, 1911. Sample Nos. 92331-D, 92505-D, 13831-D.)

The tomato sauce and a portion of the hot sauce contained fragments of larvae and other filth resulting from insect infestation in addition to excessive mold.

On or about February 29, March 18, and May 2, 1940, the United States attorneys for the Western District of Washington and the District of Oregon filed libels against 128 cases of hot sauce at Tacoma, Wash., and 99 cases of

tomato sauce at Portland, Oreg., alleging that the articles had been shipped in interstate commerce by A. M. Beebe Co., Inc., within the period from on or about February 9 to on or about March 4, 1940, from Oakland and San Francisco, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The articles were labeled in part: "Nation's Garden Brand Spanish Style Hot Sauce [or "Stanby Fancy Tomato Sauce"] * * * Packed for Fine Foods, Inc., Seattle, Minneapolis."

On May 18, May 20, and June 8, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

649. Adulteration of tomato sauce. U. S. v. 14 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1867. Sample No. 13823-E.)

On April 24, 1940, the United States attorney for the Western District of Washington filed a libel against 14 cases of canned tomato sauce at Centralia, Wash., alleging that the article had been shipped in interstate commerce on or about November 27, 1939, by Pacific Fruit & Produce Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Stanby Fancy Tomato Sauce * * * Packed For Fine Foods, Inc. Seattle."

On May 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

650. Adulteration of tomato sauce. U. S. v. 99 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1757. Sample No. 92054-D.)

On April 4, 1940, the United States attorney for the District of Maryland filed a libel against 99 cases, each containing 48 cans, of tomato sauce at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about February 10, 1940, by Foster & Wood Canning Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Land o'Lakes, California, Fancy Tomato Sauce * * * Distributed by Ocono Company, Baltimore, Md."

On May 3, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

651. Adulteration of hot sauce. U. S. v. 25 Cases of Hot Sauce. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1555. Sample No. 92355-D.)

On March 4, 1940, the United States attorney for the District of Oregon filed a libel against 25 cases, each containing 72 cans, of hot sauce at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about February 10, 1940, by A. M. Beebe Co., Inc., from Alameda, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Nation's Garden Brand Spanish Style Hot Sauce * * * Packed for Fine Foods, Inc., Seattle, Minneapolis."

On April 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

652. Adulteration of hot sauce. U. S. v. 50 Cases and 99 Cases of Hot Sauce. Default decrees of condemnation and destruction. (F. D. C. Nos. 1673, 1734. Sample Nos. 13312-E, 13327-E.)

On March 21 and April 1, 1940, the United States attorney for the District of Oregon filed libels against 149 cases of canned hot sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 27 and 28, 1939, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Great Value Brand Spanish Style Hot Sauce."

On May 5 and 7, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

653. Adulteration of tomato soup. U. S. v. 46 Cases and 95 Cases of Tomato Soup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1823, 1881. Sample Nos. 13144-E, 13302-E.)

This product contained excessive mold, indicating the presence of decomposition in the fruit used in its manufacture.

On April 17 and 29, 1940, the United States attorneys for the District of Oregon and the Eastern District of Washington filed libels against 46 cases

of canned tomato soup at Portland and 95 cases of the product at Spokane, Wash., alleging that it had been shipped in interstate commerce on or about February 1 and 24, 1940, by Sunnyvale Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Rancho California Tomato Soup."

On June 1 and 4, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

OTHER FRUIT AND VEGETABLE PRODUCTS

654. Adulteration of apple butter. U. S. v. 8 Cases of Apple Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1494. Sample No. 71340-D.)

This product was found to contain insect fragments.

On February 17, 1940, the United States attorney for the District of Arizona filed a libel against 8 cases, each containing 12 jars, of apple butter at Yuma, Ariz., alleging that the article had been shipped in interstate commerce on or about October 31, 1939, by the Crown Products Corporation from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part: "Lady's Choice Pure Apple Butter."

On April 22, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

655. Adulteration of apple butter. U. S. v. 56 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 1870. Sample No. 10054-E.)

This product contained rodent hairs and insect fragments.

On April 24, 1940, the United States attorney for the Southern District of New York filed a libel against 56 cases of apple butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1940, by Adams Apple Products Corporation from Bendersville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Jars) "Bernice Apple Butter * * * Krasne Bros. Distributors New York."

On May 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

656. Adulteration of apple butter. U. S. v. 20 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 1582. Sample No. 71374-D.)

Examination showed that this product contained insect fragments.

On or about March 15, 1940, the United States attorney for the District of Arizona filed a libel against 20 cases, each containing 12 jars, of apple butter at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about December 27, 1939, by Kern Food Products, Inc., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Kern's Crystal Brand Pure Apple Butter."

On April 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

657. Adulteration and misbranding of jellies. U. S. v. 56 Jars of Apple Jelly, 70 Jars of Apple-Strawberry Jelly, and 70 Jars of Cherry-Apple Jelly. Default decree of condemnation and forfeiture. Product ordered distributed to charitable institutions. (F. D. C. No. 1639. Sample Nos. 86243-D, 86244-D, 86245-D.)

These products contained artificial color and acid and the cherry-apple jelly also contained artificial flavor. The presence of the artificial color and flavor so found was not declared on the labels.

On or about March 20, 1940, the United States attorney for the District of Connecticut filed a libel against 196 jars of jellies at New Britain, Conn., alleging that the articles had been shipped in interstate commerce on or about February 14, 1940, by Palmer Fruit Products, Inc., from Long Island City, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Spencer Farms Pure Apple Jelly [or "Apple Strawberry Jelly" or "Apple Cherry Jelly"]."

They were alleged to be adulterated in that damage or inferiority had been concealed by the addition of artificial color and acid and, in the case of the cherry-apple jelly, by the addition of artificial flavor. They were alleged to be adulter-

ated further in that artificial color and acid and, in the case of the cherry-apple jelly, artificial flavor had been added thereto so as to make them appear better or of greater value than they were.

Misbranding was alleged in that the following statements were false and misleading when applied to articles containing added acid and artificial color and, in the case of the cherry-apple jelly, artificial flavor: "Pure Apple Jelly," "Pure Apple-Strawberry Jelly," and "Pure Cherry-Apple Jelly." They were alleged to be misbranded further in that they contained artificial coloring and, in the case of the cherry-apple jelly, artificial flavoring; and the labeling did not state those facts.

On April 26, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the articles be delivered to charitable institutions for their own use.

658. Adulteration of orange jelly. U. S. v. 25 Cases of Orange Jelly. Default decree of condemnation and destruction. (F. D. C. No. 1565. Sample No. 90738-D.)

Examination showed that this product contained excessive mold, indicating the presence of decomposed material.

On March 9, 1940, the United States attorney for the Eastern District of Washington filed a libel against 25 cases, each containing 24 jars, of orange jelly at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about November 19, 1939, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The product was labeled in part: "Pure Orange Jelly Calbart Brand."

On April 29, 1940, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

DRIED FRUITS

659. Adulteration of dried prunes. U. S. v. 21 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1530. Sample No. 90740-D.)

This product was in interstate commerce at the time of examination and was found to be insect-infested in whole or in part at that time.

On or about February 26, 1940, the United States attorney for the Eastern District of Washington filed a libel against 21 cases of dried prunes at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about May 11, 1939, by Rosenberg Bros. & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Roundup Brand Santa Clara Prunes * * * Packed for Roundup Grocery Co., Spokane, Wash."

On April 10, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

660. Adulteration of prunes and raisins. U. S. v. 29 Cartons of Prunes and 17 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. Nos. 1062, 1063. Sample Nos. 83101-D, 83102-D.)

These products were in interstate commerce at the time of examination and were found to be insect-infested and decomposed at that time.

On or about December 7, 1939, the United States attorney for the Northern District of Florida filed a libel against 29 cartons, each containing 25 pounds of prunes, and 17 cartons, each containing 48 packages of seedless raisins, at Marianna, Fla., alleging that the articles had been shipped in interstate commerce on or about September 9 and October 7, 1938, by the California Packing Corporation from San Francisco, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances. The articles were labeled in part: "Sun Kist Santa Clara Prunes"; "Sun-Kist Brand Sun Dried Natural Seedless Raisins."

On April 6, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

661. Adulteration of raisins. U. S. v. 12 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 1017. Sample No. 82969-D.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part insect-infested at that time.

On or about November 27, 1939, the United States attorney for the Northern District of Florida filed a libel against 12 boxes of raisins at Panama City, Fla., alleging that the article had been shipped in interstate commerce on or about February 2, 1939, by Sunland Sales Cooperative Association from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Seedless Raisins * * * Sun-Maid Raisin Growers of California."

On April 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

662. Adulteration and misbranding of raisins. U. S. v. 27 Cases of Layer Raisins. Default decree of condemnation and destruction. (F. D. C. No. 1279. Sample No. 73126-D.)

This product was in interstate commerce when examined and was found to be insect-infested at that time. Moreover, the packages were short of the declared weight.

On January 2, 1940, the United States attorney for the Western District of Washington filed a libel against 27 cases, each containing 20 packages, of layer raisins at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 28, 1939, by El Mar Packing Co. from San Francisco, Calif.; and charging that they were adulterated and misbranded. The product was labeled in part: "Cal-Ray Brand Layer Raisins."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

The article was alleged to be misbranded in that the statement on the label, "Net Weight 15 Ozs.," was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of contents.

On March 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS

HORSE MEAT

663. Adulteration of horse meat. U. S. v. 22 Barrels, 4 Cans, and 4 Washtubs (7,700 Pounds) of Horse Meat. Default decree of condemnation and destruction. (F. D. C. No. 1409. Sample No. 86341-D.)

Examination of this shipment showed that it contained meat of horses that had died otherwise than by slaughter.

On January 26, 1940, the United States attorney for the District of New Jersey filed a libel against 7,700 pounds of horse meat at Newark, N. J., alleging that the article had been transported in interstate commerce on or about January 17, 1940, from the plant of Charles H. Lang, Briggs Station, N. Y., by Benny Braverman of Newark, N. J.; and charging that it was adulterated in that it was in whole or in part the product of an animal which had died otherwise than by slaughter.

On March 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

POULTRY

664. Adulteration of dressed poultry. U. S. v. 4 Barrels of Dressed Poultry. Default decree of condemnation and destruction. (F. D. C. No. 1830. Sample No. 10497-E.)

Examination showed the presence of diseased birds in this lot of poultry.

On April 19, 1940, the United States attorney for the Southern District of New York filed a libel against four barrels of dressed poultry at New York, N. Y., alleging that it had been shipped in interstate commerce on or about April 10, 1940, by the Millsboro Poultry Co., Inc., from Millsboro, Del.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals, or of animals that had died otherwise than by slaughter.

On May 9, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

665. Adulteration of dressed poultry. U. S. v. 900 Pounds and 3 Barrels of Dressed Poultry. Default decrees of condemnation and destruction. (F. D. C. Nos. 1622, 1820. Sample Nos. 10403-E, 10496-E.)

Examination of this poultry showed the presence of diseased birds in both shipments and of rodent-eaten birds in one shipment.

On March 14 and April 8, 1940, the United States attorney for the Southern District of New York filed libels against 900 pounds and 3 barrels of dressed poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 4 and April 9, 1940, by the H & H Poultry Co., Inc., from Selbyville, Del.; and charging that it was adulterated.

Both lots of poultry were alleged to be adulterated in that it was in whole or in part the product of diseased animals or of animals which had died otherwise than by slaughter. One lot was alleged to be adulterated further in that it consisted in whole or in part of a filthy substance or was otherwise unfit for food.

On April 4 and May 10, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

NUTS AND NUT PRODUCTS

666. Adulteration of shelled almonds. U. S. v. 5 Sacks of Shelled Almonds. Default decree of condemnation and destruction. (F. D. C. No. 1229. Sample No. 90908-D.)

This product was in interstate commerce at the time of examination and was found to be worm-damaged at that time.

On December 22, 1939, the United States attorney for the Western District of Washington filed a libel against 5 sacks, each containing 160 pounds, of shelled almonds at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 4, 1939, by Pacific Coast Nut House from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Broken Nonpareil."

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

667. Adulteration of Brazil nuts. U. S. v. 60 Bags of Brazil Nuts. Decree ordering product released under bond for sorting. Amended decree of condemnation and destruction. (F. D. C. No. 988. Sample No. 82574-D.)

This product was in interstate commerce when examined and was found to be in whole or in part moldy, rancid, and decomposed at that time.

On November 17, 1939, the United States attorney for the Western District of North Carolina filed a libel against 60 bags of Brazil nuts at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about February 24, 1939, by Wm. A. Camp Co., Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Tropical Brand."

On December 11, 1939, the Southern Fruit Co., Inc., having appeared as claimant, the product was ordered released under bond for sorting and disposal pursuant to law. On April 5, 1940, the court having found that the nuts had not been brought into compliance with the law, an amended decree was entered ordering their condemnation and destruction.

668. Adulteration of shelled peanuts. U. S. v. 170 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond for segregation of the good nuts and destruction of the unfit ones. (F. D. C. No. 1665. Sample No. 10302-E.)

This product was in interstate commerce when examined and was found to be dirty, rancid, and decomposed at that time.

On March 19, 1940, the United States attorney for the Eastern District of New York filed a libel against 170 bags, each containing 120 pounds, of shelled Spanish peanuts at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 21, 1940, by the Farmers Produce Co. from Thomasville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 22, 1940, the National Almond Products Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the bad nuts.

669. Adulteration of shelled peanuts. U. S. v. 28 Bags of Shelled Peanuts. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1644. Sample No. 364-E.)

This product was in interstate commerce when examined and was found to be in whole or in part dirty and decomposed at that time.

On March 15, 1940, the United States attorney for the Southern District of Florida filed a libel against 28 bags, each containing 120 pounds, of shelled peanuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about February 18, 1940, by Farmers Produce Co. from Thomasville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 5, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

670. Adulteration of shelled peanuts. U. S. v. 300 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond. (F. D. C. No. 1725. Sample No. 4230-E.)

This product was in interstate commerce when examined and was found to be in part dirty and decomposed at that time.

On or about April 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 300 bags, each containing 120 pounds, of shelled peanuts at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 5, 1940, by the Dawson Cotton Oil Co. from Dawson, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy and decomposed substance.

On April 11, 1940, the General Candy Corporation having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

671. Adulteration of shelled peanuts. U. S. v. 104 Sacks and 2 Bags of Shelled Peanuts. Decree of condemnation. Product released under bond to be denatured and disposed of for hog feed. (F. D. C. No. 1671. Sample No. 370-E.)

This product was in interstate commerce when examined and was found to be in whole or in part rancid, decomposed, and dirty at that time.

On March 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 104 sacks, each containing 120 pounds, and 2 bags, each containing 20 pounds, of peanuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about March 15, 1940, by Cannon Bros. Peanut Co., Inc., from Leesburg, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On April 18, 1940, Cannon Bros. Peanut Co., Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for conversion into oil stock. On July 3, 1940, the judgment was amended to require that the product be denatured for use as hog feed only.

672. Adulteration of walnut meats. U. S. v. 6 Cases and 8 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 1132. Sample Nos. 83343-D, 83344-D.)

This product was in interstate commerce when examined and was found to be in whole or in part moldy, rancid, decomposed, and insect-infested at that time.

On December 4, 1939, the United States attorney for the Western District of Washington filed a libel against 6 cases and 8 cases, each containing 25 pounds, of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, June 30, July 17, and September 19, 1939, by Hudson-Duncan & Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "Pride of Oregon Brand."

On February 9, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

673. Adulteration of nut topping. U. S. v. 5 Cartons and 1 Barrel of Nut Topping. Default decrees of condemnation and destruction. (F. D. C. Nos. 1221, 1230. Sample Nos. 73125-D, 90911-D.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part insect-infested at that time.

On December 21 and 22, 1939, the United States attorney for the Western District of Washington filed libels against 5 cartons, each containing 30 pounds, and 1 barrel containing 208 pounds, of nut topping at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about

April 5 and May 5, 1939, by Chicago Almond Products Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Regular Nut Topping [or "Reg Nut Topping"] * * * Packed for Oscar Lucks Company * * * Seattle, Wash."

On March 25, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

PEANUT BUTTER

674. Adulteration and misbranding of peanut butter. U. S. v. 122 Cases, 99 Cases, and 19 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1312, 1411, 1442. Sample Nos. 61076-D, 61506-D, 61798-D.)

Examination of this product showed that it contained sand and clay. One portion was also short of the declared weight.

On January 9 and February 12, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 240 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about November 3, 1939, to on or about January 5, 1940, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated and that one shipment was also misbranded. Portions of the article were labeled in part: (Jars) "Armour's Star 1 Lb. Net Pure Peanut Butter Armour and Company * * * Distributors"; or "Dubon Brand Peanut Butter * * * Distributed by Dubon Company New Orleans, La. 8 Ounces." One lot was labeled in part: (Case) "Gold Craft Peanut Butter."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

One shipment was alleged to be misbranded in that the statement on the jar label, "8 Ounces," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

675. Misbranding of peanut butter. U. S. v. 54 Cases and 98 Cases of Peanut Butter. Default decree of condemnation and forfeiture. Product ordered sold. (F. D. C. No. 1827. Sample Nos. 790-E, 791-E, 799-E.)

This product was found to be short of the declared weight.

On April 17, 1940, the United States attorney for the Northern District of Georgia filed a libel against 152 cases of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about March 7, 1940, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: "Dillon's Peanut Butter."

The article was alleged to be misbranded in that the statements "Net Two Lbs." and "Net One Lb.," borne on the labels, were false and misleading since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On May 17, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be sold to the highest bidder and that the labels be made to show the correct weight of the article.

676. Misbranding of peanut butter. U. S. v. 100 Cases of Peanut Butter. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1688. Sample No. 164-E.)

The packages of this product were found to be short of the declared weight.

On March 27, 1940, the United States attorney for the Western District of North Carolina filed a libel against 100 cases, each containing 24 jars, of peanut butter at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by the Dixieland Products Co. from Columbus, Ga.; and charging that it was misbranded. The product was labeled in part "Dixieland Peanut Butter."

The article was alleged to be misbranded in that the statement "Net Wt. 16 Oz.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 25, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

677. Adulteration and misbranding of peanut butter. U. S. v. 35 Cases and 74 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1439, 1440. Sample Nos. 61630-D, 61633-D.)

This product was found to contain sand and clay and the containers of a portion were found to be short of the declared weight.

On February 12, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 35 cases of peanut butter at Baton Rouge, La., and 74 cases of peanut butter at Plaquemine, La., alleging that the article had been shipped in interstate commerce on or about September 30 and November 7, 1939, by the Rainer Packing Co. from Montgomery, Ala.; and charging that it was adulterated and misbranded. The product was labeled in part: "Rainer's Pure Peanut Butter."

The article in each shipment was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

The article shipped November 7, 1939, was also alleged to be misbranded in that the statement "Net Wt. 16 Oz.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear a correct statement of the quantity of contents.

On April 8 and 26, 1940, respectively, no claimant having appeared, decrees of condemnation were entered and the product was ordered destroyed.

678. Adulteration of peanut butter. U. S. v. 15 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1266. Sample No. 61499-D.)

Examination of this product showed that it contained sand and dirt.

On December 29, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 15 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 20, 1939, by Southland Peanut Products Co. from Elba, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jar) "Southland Brand Peanut Butter."

On March 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

679. Adulteration and misbranding of peanut butter. U. S. v. 16 Cases and 24 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1755, 1922. Sample Nos. 9181-E, 16034-E.)

Samples from one lot of this product were found to be short weight; and those taken from the other lot were found to contain insect fragments, dirt, rodent hairs, and rodent excreta.

On April 4 and May 7, 1940, the United States attorneys for the Eastern District of Oklahoma and the Eastern District of Louisiana filed libels against 16 cases, each containing six 5-pound pails, of peanut butter at McAlester, Okla., and 24 cases, each containing 24 8-ounce jars, of peanut butter at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about January 12 and April 13, 1940, by the Texas Peanut Products Co. from Houston, Tex.; and charging that the former shipment was adulterated and that the latter was misbranded. One lot was labeled in part: "Net Weight 8 oz. Danny Boy Brand Peanut Butter."

One shipment was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food; this shipment was alleged to be adulterated further in that it had been prepared, packed, and held under insanitary conditions whereby it had become contaminated with filth.

The other shipment was alleged to be misbranded in that the statement "Net Wt. 8 oz." was false and misleading since it was incorrect, and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On May 20 and June 3, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

OLIVE OIL

680. Misbranding of olive oil. U. S. v. Deligiannis Bros., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 931. Sample Nos. 57580-D, 57595-D, 63712-D.)

This product was short of the declared volume.

On March 1, 1940, the United States attorney for the Northern District of Illinois filed an information against Deligiannis Bros., Inc., Chicago, Ill., alleging shipment in interstate commerce on or about June 29, July 6, and August 18, 1939, from Chicago, Ill., into the States of Oregon, Missouri, and Minnesota of quantities of olive oil that was misbranded. The article in the three shipments was labeled in part: "Imported Pure Olive Oil Kardannilis Brand"; or "Imported Virgin Olive Oil Universal Brand."

The article was alleged to be misbranded in that the statements, "One Gallon," "Half Gallon," "One Pint," "One-Half Pint," and "Contents 4 Oz.," borne on the respective cans and bottles, were false and misleading, since the said cans and bottles contained less than 1 gallon, one-half gallon, 1 pint, one-half pint, and 4 ounces, respectively. The article was alleged to be misbranded further in that the labels failed to bear accurate statements of the quantity of contents.

On May 20, 1940, a plea of nolo contendere was entered on behalf of the defendant, and a fine of \$75 was imposed.

681. Misbranding of olive oil. U. S. v. 44 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1575. Sample No. 75047-D.)

The containers of this product were found to be short of the declared volume.

On March 4, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 44 cases, each containing 24 bottles, of olive oil at Green Bay, Wis., alleging that the article had been shipped in interstate commerce on or about September 15 and November 6, 1939, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. The product was labeled in part: "Joannes Quality Imported Pure Olive Oil * * * Distributors Joannes Bros. Co., Green Bay, Wisconsin."

The article was alleged to be misbranded in that the statement "4 fluid ozs.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On April 24, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

682. Adulteration and misbranding of olive oil. U. S. v. 2 Cans and 5 Cans of Olive Oil. Default decrees of condemnation and forfeiture. Portion ordered destroyed; remaining portion ordered delivered to a penal institution. (F. D. C. Nos. 1423, 1424. Sample Nos. 64224-D, 83397-D.)

Analysis showed that this product consisted essentially of cottonseed oil.

On or about February 2 and 3, 1940, the United States attorney for the Western District of Washington filed libels against two 5-gallon cans of olive oil at Seattle, Wash., and five 5-gallon cans of olive oil at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about December 2 and 16, 1939, respectively, by Joe Grillo from San Pedro, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Olive Oil. Los Angeles Importing Co., Distributors, Los Angeles, California."

The article in each case was alleged to be adulterated in that a substance consisting essentially of cottonseed oil had been substituted wholly or in part for olive oil; and had been mixed or packed with said product so as to reduce its quality or strength. The article in each case was alleged to be misbranded in that the statement "Olive Oil," borne on the label, was false and misleading when applied to an article that consisted essentially of cottonseed oil; and in that the said article was offered for sale under the name of another food.

On March 25 and April 4, 1940, respectively, no claimant having appeared, decrees of condemnation and forfeiture were entered, and the product at Seattle, Wash., was ordered destroyed and that at Tacoma, Wash., was ordered delivered to a penal institution for its own use.

SACCHARINE PRODUCTS

CANDY

683. Adulteration of candy. U. S. v. 130 Boxes of Chocolate Rabbits. Default decree of condemnation and destruction. (F. D. C. No. 1699. Sample No. 13113-E.)

Examination showed that this product contained rodent hairs and that it had been prepared under insanitary conditions. The candy pieces, shaped like a rabbit's head, each contained two marbles for eyes.

On March 23, 1940, the United States attorney for the Eastern District of Washington filed a libel against 130 boxes of chocolate rabbits at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 14, 1940, by the Chicago Candy Co. from Chicago, Ill.; and charging that it was adulterated. It was labeled in part: "Beich Chocolate M. M. Rabbits and Marbles * * * Manufactured by Paul F. Beich Co., Bloomington-Chicago, Ill."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and in that it was confectionery and bore or contained nonnutritive articles or substances, namely, small marbles, partially imbedded.

On April 29, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

684. Adulteration of candy. U. S. v. 49 Boxes and 17 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 386, 387. Sample Nos. 61027-D, 61028-D.)

This product was in interstate commerce at the time of examination and was found to be insect-infested at that time.

On August 21, 1939, the United States attorney for the Western District of Louisiana filed a libel against 66 boxes of candy at Lafayette, La., alleging that the article had been shipped within the period from on or about May 6 to on or about June 16, 1939, by Curtiss Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Wrapper) "Curtiss Baby Ruth [or "Butterfinger"]."

On January 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

685. Misbranding of candy. U. S. v. 18 Cases and 12 Cases of Hoefler's Centennials. Default decrees of condemnation. Product ordered destroyed or delivered to charitable institutions. (F. D. C. Nos. 1647, 1649. Sample No. 91122-D.)

This product occupied on an average about 50 percent of the capacity of the retail carton.

On March 18, 1940, the United States attorney for the District of Oregon filed libels against 30 cases of candy at Astoria, Oreg., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Hoefler's Centennial Chocolates from San Francisco, Calif.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Hoefler's 5¢ Centennial Rum-Butter Cream."

On May 7, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed or distributed to charitable institutions.

686. Misbranding of candy. U. S. v. 46 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1601. Sample No. 88923-D.)

The containers of this article were cellophane-wrapped, rabbit-shaped boxes with extension edges, and each one had an empty false compartment running full length, which reduced its capacity by about one-third. Each box contained two layers of candy.

On March 8, 1940, the United States attorney for the Northern District of Indiana filed a libel against 46 boxes of candy at South Bend, Ind., alleging that it had been shipped in interstate commerce on or about February 1, 1940, by the National Candy Co. from St. Louis, Mo.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading.

On April 24, 1940, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

687. Misbranding of candy. U. S. v. 237 Packages of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 799. Sample No. 74039-D.)

Each of the boxes containing this product had a false bottom, nine-sixteenths of an inch in depth, which occupied one-fourth of its capacity. There were two layers of candy in each box, the lower layer containing 2 ounces less than the top.

On or about October 25, 1939, the United States attorney for the District of Connecticut filed a libel against 237 packages of candy at New London, Conn., alleging that the article had been shipped in interstate commerce on or about September 1 and 6, 1939, by Standard Chocolates, Inc., from Boston, Mass.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Dorothy Bradford Assorted Chocolates One Pound * * * Dorothy Bradford Boston, Mass."

On December 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

688. Misbranding of candy. U. S. v. 20 Cartons of Candy. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 1726. Sample No. 1617-E.)

The containers of this product were cellophane-wrapped boxes whose tops and bottoms extended about ½-inch beyond the sides. Each one contained two layers of candy, but had a false bottom deep enough to hold a third layer. Furthermore, the statement of the quantity of contents was inconspicuously placed on one end of the boxes.

On March 29, 1940, the United States attorney for the District of Columbia filed a libel against 20 cartons, each containing 24 boxes, of candy at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 17, 1939, by the Cherry Specialty Co. from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: "Sweet-Tooth Chocolates Miniatures Assorted."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of quantity of contents, which the law requires be placed on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by ordinary individuals under customary conditions of purchase and use.

On April 17, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered delivered to charitable institutions for their own use but not for sale.

689. Misbranding of chocolate-covered cherries. U. S. v. 24 Cases and 4 Cases of Chocolate-Covered Cherries. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1650. Sample No. 1301-E.)

This candy was contained in boxes with extension edges about ⅝ inch wide. Each box contained two layers. There were 16 pieces of candy in the upper layer and 8 pieces in the lower. The statement of the quantity of contents was inconspicuously placed on one side of the box and was almost hidden by the extension edge.

On March 15, 1940, the United States attorney for the District of Maryland filed a libel against 24 cases each containing 24 boxes, and 4 cases each containing 20 boxes, of candy at Baltimore, Md., alleging that the article had been shipped in interstate commerce in part on or about December 9, 1939, and in part on or about January 26, 1940, by the Cherry Specialty Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part "Moderne Cherries."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On April 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

690. Misbranding of chocolate-covered cherries. U. S. v. 50 Cases of Candy. Default decree of condemnation. Product ordered delivered to charitable organizations. (F. D. C. No. 1006. Sample No. 58000-D.)

This candy was packed in boxes containing 2 layers. There were 12 pieces in the upper layer and only 8 pieces in the lower one. Moreover, there was much vacant space in the boxes.

On November 17, 1939, the United States attorney for the Southern District of California filed a libel against 50 cases, each containing 24 boxes, of "Windsor Chocolate Covered Cherries" at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about November 2, 1939, by the Chicago Candy Association from Chicago, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Cherry Specialty Co. * * * Chicago."

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

691. Misbranding of glace fruit. U. S. v. 30 Boxes of Glace Fruit. Default decree of condemnation and destruction. (F. D. C. No. 1220. Sample No. 88907-D.)

This product was contained in cellophane-wrapped baskets each containing two layers of candied fruit. The top layer was well-filled, but the lower one was divided into 20 sections by cardboard partitions. When these partitions were removed it was found that the fruit could be so packed that the lower layer could hold an additional amount equivalent to 40 percent of the capacity of the box.

On December 20, 1939, the United States attorney for the Eastern District of Wisconsin filed a libel against 30 boxes, each containing 1 basket of glace fruit, at Milwaukee Wis., alleging that the article had been shipped in interstate commerce on or about November 11, 1939, by the Prince Dried Fruit Co. from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, and filled as to be misleading.

On March 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

692. Adulteration of sugar roasted peanuts. U. S. v. 3 Cartons of Sugar Roasted Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 997. Sample No. 58057-D.)

This product was in interstate commerce when examined and was found to contain rodent excreta at that time.

On November 18, 1939, the United States attorney for the District of Arizona filed a libel against three cartons of sugar roasted peanuts at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about September 5, 1939, by E. J. Brach & Sons from Albuquerque, N. Mex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

693. Misbranding of popcorn candy confection. U. S. v. 5¼ Cases, each containing 200 cartons, of Popcorn Candy Confection. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1374. Sample No. 92102-D.)

The cartons of this product contained a wax paper bag of candy-dipped popcorn and a prize. The bag of popcorn occupied less than 60 percent of the capacity of the cartons. It was also found that the weight was less than the amount declared.

On January 23, 1940, the United States attorney for the District of Nevada filed a libel, and on February 2, 1940, an amended libel, against 5¼ cases of the above-named product at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about December 9, 1939, by the Pacific Premium Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: "Movi Pops * * * Movi-Pops San Francisco, Calif."

It was alleged to be misbranded in that the statement "Net Weight Over 1½ Ozs.," borne on the label, was false and misleading since it was incorrect. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On February 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MOLASSES

694. Adulteration of molasses. U. S. v. 37 Barrels and 4 Half-Barrels of Molasses. Default decree of condemnation, forfeiture, and destruction. (F. D. C. No. 1557. Sample Nos. 71527-D, 71556-D, 71557-D.)

This product was found to contain lead, which might have rendered it injurious to health.

On March 2, 1940, the United States attorney for the Southern District of California filed a libel against 37 barrels each containing 55 gallons, and 4 half-barrels each containing 30 gallons, of molasses at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 8, 1939, by Penick & Ford, Ltd., Inc., from New Orleans, La.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, namely, lead, which might have rendered it injurious to health, and which was unsafe within the meaning of the act. The article was labeled in part: "Bakers & Confectioners Supply Co., Distributors, Invincible Brand B.S. Molasses."

On April 11, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered destroyed.

FLAVORS

695. Misbranding of lemon extract. U. S. v. 54 Dozen Bottles of Lemon Extract. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 684. Sample No. 79051-D.)

The bottles containing this product were paneled, and had thickened glass on the sides and bottoms, and long necks. The width of the bottle was considerably less than the width of the carton in which it was packed. No statement of the quantity of the contents appeared on the carton and that on the bottle label was expressed in terms of drachms and not of fluid ounces. Furthermore, the bottles contained less than the amount declared.

On October 7, 1939, the United States attorney for the Southern District of Georgia filed a libel against 54 dozen bottles of lemon extract at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about August 12, 1939, by the Davis Manufacturing Co. from Knoxville, Tenn.; and charging that it was misbranded. It was labeled in part: "Mothers Choice Brand."

The article was alleged to be misbranded in that the statement on the bottle, "4 Drachms Net," was false and misleading since it was not accurate; in that its containers were so made, formed, or filled as to be misleading; in that it was in package form and failed to bear an accurate statement of the contents, since the quantity found was less than the amount declared on the bottle label and the cartons did not bear any statement of the quantity of the contents; in that the statement of the quantity of contents, required by the statute to appear on the label, was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual, since it expressed the quantity in drachms instead of fluid ounces; and in that the statement, "* * * guaranteed by the manufacturers to comply with all food and drug laws as labeled," was false and misleading since such statement would cause the purchaser to believe that the Government guaranteed the article.

On November 7, 1939, a default decree of condemnation and forfeiture was entered; and on November 14, 1939, an amended decree was ordered providing that the product be delivered to charitable institutions.

696. Misbranding of lemon extract. U. S. v. 168 Bottles of Lemon Extract. Default decree of condemnation and destruction. (F. D. C. No. 1244. Sample No. 78893-D.)

Examination showed that the bottles occupied less than 34 percent of the space in the cartons.

On December 27, 1939, the United States attorney for the Western District of Pennsylvania filed a libel against 168 bottles of lemon extract at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about October 21, 1939, by the Drew Corporation from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "Drew's Pure Extract Lemon."

The article was alleged to be misbranded in that its containers (cartons) were so made, formed, or filled as to be misleading. It was alleged to be misbranded

further in that the following statements were false and misleading in that they were incorrect: "This is to certify that this extract * * * is guaranteed to comply with all * * * National Pure Food Laws."

On January 24, 1940, a default decree of condemnation and destruction was entered.

697. Misbranding of flavorings. U. S. v. 252 Bottles of Vanilla and 180 Bottles of Lemon Flavorings. Default decree of condemnation and destruction. (F. D. C. No. 1303. Sample Nos. 78743-D, 78744-D.)

The containers of these products were deceptive because of indented paneling and consequent small ratio of contents to size of bottles; and also because of the unduly large size of the cartons.

On January 6, 1940, the United States attorney for the Northern District of Ohio filed a libel against 252 bottles of vanilla flavoring and 180 bottles of lemon flavoring at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce on or about October 2 and 3, 1939, by Pennex Products Co., Inc., from Pittsburgh, Pa.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. They were labeled in part: "Pennex Brand Pure Vanilla [or "Lemon"] Flavoring."

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

698. Adulteration and misbranding of vanilla flavor. U. S. v. 13 Cases, 6 Cases, and 9 Cases of Vanilla Flavor. Default decree of condemnation and destruction. (F. D. C. No. 1182. Sample Nos. 79616-D, 79617-D, 79618-D.)

This product was a mixture of vanillin and coumarin, artificially colored with caramel, and containing little or no vanilla. The bottles were paneled, which created the impression that they contained more than was actually the case.

On December 14, 1939, the United States attorney for the Northern District of Illinois filed a libel against 28 cases of vanilla flavor at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 3, 1939, by A. J. Krank, Inc., from St. Paul, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Gemac Compound Vanilla Flavor Vanilline Vanilla Coumarin with Caramel Color * * * Gemac Laboratories [or "Chicago Laboratories"] Chicago, Ill."

It was alleged to be adulterated in that inferiority had been concealed through the addition of artificial color. It was alleged to be adulterated further in that a substance consisting of vanillin and coumarin, artificially colored with caramel and containing little or no vanilla, had been mixed and packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that it was an imitation of another food and its label did not bear the word "imitation" in type of uniform size and prominence and immediately after the name of the food imitated. It was alleged to be misbranded further in that its container was so made, formed or filled as to be misleading.

On February 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

699. Misbranding of vanilla extract. U. S. v. 35 Dozen $\frac{3}{4}$ -Ounce Bottles, 11 Dozen 2-Ounce Bottles, and 2 $\frac{1}{2}$ Dozen 4-Ounce Bottles of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 1607. Sample No. 75053-D.)

The 2-ounce and the 4-ounce bottles were paneled, and had thickened glass on the sides and bottom, and long necks. The $\frac{3}{4}$ -ounce and 2-ounce bottles were packed in cartons which were 50 percent larger than necessary.

On March 9, 1940, the United States attorney for the Western District of Wisconsin filed a libel against 48 $\frac{1}{2}$ dozen bottles of vanilla extract at La Crosse Wis., alleging shipment in interstate commerce on or about January 31, 1940, by the La Salle Manufacturing Co. from Chicago, Ill.; and charging that it was misbranded in that the containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Florence Nightingale Brand Pure Vanilla Extract."

On April 24, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

SPICE

700. Misbranding of black pepper. U. S. v. 200 Cartons of Black Pepper.
Consent decree of condemnation, forfeiture, and destruction. (F. D. C.
No. 1554. Sample No. 87624-D.)

Examination showed that these packages contained less than the amount declared and on the average, were about half-filled.

On March 6, 1940, the United States attorney for the Southern District of Florida filed a libel against 200 cartons, each containing 36 tins, of black pepper at Tampa, Fla., alleging that it had been shipped in interstate commerce on or about January 2, 1940, by C. F. Sauer Co. from Richmond, Va.; and charging that it was misbranded. It was labeled in part: "Sauer's Selected Spices 1¼ Oz. Choice Ground Pepper."

The article was alleged to be misbranded in that the statement "1¼ Oz." was false and misleading in that it was incorrect; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On March 20, 1940, the claimant, C. F. Sauer Co., having consented, a decree of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 501-700

PRODUCTS

	N. J. No.		N. J. No.
Almonds-----	666	Jellies-----	657, 658
Apple(s)-----	597, 598	Lemon flavor-----	695-697
butter-----	654-656	Macaroni-----	523
Apricots, canned-----	601, 602	products-----	522-524
Bakery products-----	521	Mackerel, canned-----	580
Beverages and beverage materials--	501-507	Meat and meat products-----	663-665
Bonita, canned-----	575	Molasses-----	694
Brazil nuts-----	667	Noodles-----	522
Buffalo fish-----	577	Nut topping-----	673
Butter-----	526-567	Nuts and nut products-----	666-679
whipt-----	567	Olive oil-----	680-682
Candy-----	683-693	Oysters-----	582
Celery-----	599	frozen-----	583
Cereal products-----	508-524	Pancake flour-----	514
Chocolate covered cherries-----	690	Peanut butter-----	674-679
Coconut bars-----	521	Peanuts-----	668-671
Codfish, frozen-----	576	sugar roasted-----	692
Coffee-----	504	Peas, canned-----	604-607
Corn flakes-----	520	Pepper-----	700
meal-----	516-519	Pollack, frozen-----	584
Cream-----	568-570	Popcorn candy-----	693
Dairy products-----	526-570	Potatoes-----	600
Dog food. See Horse meat.		Poultry-----	664, 665
Eggs-----	571-574	Prune juice-----	502
frozen-----	572-574	Prunes-----	659, 660
shell-----	571	Raisins-----	660-662
Feed-----	525	Rice bran-----	525
Fish roe, canned-----	¹ 581	Saccharine products-----	683-694
Fisheries products-----	575-596	Salmon, canned-----	585
Flavors-----	695-699	Sauerkraut, canned-----	609
Flour-----	508-515	Shrimp, canned-----	596
graham-----	512	frozen-----	586-595
pancake-----	514	Spaghetti-----	524
Fruit(s) and vegetable(s)-----	597-662	Spice-----	700
canned-----	601-609	Strawberries, canned-----	603
dried-----	659-662	Tea-----	505
fresh-----	597-600	balls-----	506
glace-----	691	Tomato(es)-----	
juices-----	501-503	canned-----	639-641
products-----	609-658	catsup-----	610-630, 641, 647
tomatoes and tomato products--	610-673	juice-----	503
Graham flour-----	512	paste-----	631-641, 647
Grapefruit juice-----	501	puree-----	642-646
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Halibut, frozen-----	579	soup-----	653
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Hominy, canned-----	603	Walnut meats-----	672
Horse meat-----	663	Whisky-----	507
Hot sauce. See Tomato(es), tomato		Whole wheat flour-----	512
sauce.			

¹ Contains findings of fact and conclusions of law.

SHIPPERS, MANUFACTURERS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Adams Apple Products Corporation:		Cannon Bros. Peanut Co., Inc.:	
apple butter-----	655	peanuts, shelled-----	671
Adams Bros.:		Carpenter Cook Co.:	
cream-----	568	tomato catsup-----	613
Ambos, L. G.:		Carteret Fish Co.:	
shrimp, frozen-----	592	shrimp, frozen-----	590
American Fish Co.:		Cascade Creamery:	
shrimp, frozen-----	589	butter-----	536
American Sales Corporation:		Cherry Specialty Co.:	
flour-----	513	candy-----	688-690
Anderson Creamery Co.:		Chicago Almond Products Co.:	
butter-----	529	nut topping-----	673
Apte Bros. Canning Co.:		Chicago Candy Association:	
tomato juice-----	503	chocolated-covered cherries-----	690
Armour & Co.:		Chicago Candy Co.:	
butter-----	527, 528	candy-----	683
peanut butter-----	674	Chicago Laboratories:	
Armour Creameries:		vanilla flavor-----	698
butter-----	527	Clamme, Albert:	
Arrow Creameries:		tomato puree-----	642
butter-----	530	Clamme, C. J., Sr.:	
Artificial Ice & Cold Storage Co.:		tomato puree-----	642
halibut, frozen-----	579	Clamme Canning Co.:	
Astarbi, P., & Co., Inc.:		tomato puree-----	642
tomato paste-----	636	Cleveland, Ira:	
Atlantic Coast Fisheries Corporation		apples-----	598
of New York:		Colonial Shrimp Co.:	
cod fillets, frozen-----	576	shrimp, frozen-----	588
Atlantic Shrimp Co.:		Consolidated Freight Forwarding Co.:	
shrimp, frozen-----	594	tomato paste-----	631
Bakers & Confectioners Supply Co.:		Co-Op Union Merc. Co.:	
molasses-----	694	cream-----	568
Ball, F. M., & Co.:		Cottonwood Dairy Products:	
hot sauce-----	652	butter-----	537
Ball, M. J.:		Crown Products Corporation:	
cream-----	568	apple butter-----	654
Bangert, A. L.:		Cuccia, G., & Sons, Inc.:	
cream-----	568	tomato paste-----	636
Banning Canning Co.:		Cudahy Packing Co.:	
apricots, canned-----	601	butter-----	535
Barlow, F. W.:		Curtiss Candy Co.:	
cream-----	568	candy-----	684
Barrett Cooperative Creamery:		Dairy & Poultry Co-Op., Inc.:	
butter-----	531	butter-----	558
Beatrice Creamery Co.:		Dairymen's Cooperative Creamery of	
butter-----	532	Boise Valley:	
Beebe, A. M., Co., Inc.:		butter-----	538
tomato products-----	632, 648, 651	Davies, Theo. H., & Co., Ltd.:	
Beich, Paul F., Co.:		tomato paste-----	633
candy-----	683	Davis Manufacturing Co.:	
Beutel Pickling & Canning Co.:		lemon extract-----	695
tomato catsup-----	615	Dawson Cotton Oil Co.:	
Bird Island Cooperative Creamery:		peanuts, shelled-----	670
butter-----	533	Day, R. F.:	
Blakesley, J. H.:		cream-----	570
cream-----	568	Deligiannis Bros., Inc.:	
Bloom, Mrs. Myrl:		olive oil-----	680
cream-----	568	Dillon Candy Co.:	
Body, B. H., Inc.:		peanut butter-----	675
tomato products-----	647	Dixieland Products Co.:	
Bogaerf, Mrs. Albert:		peanut butter-----	676
cream-----	570	Dorsel Co.:	
Bohn, H. A., Inc.:		corn meal-----	517
cream-----	568	Dreher Pickle Co.:	
Boundary Creamery:		tomato catsup-----	613
butter-----	534	Drew Corporation:	
Box Elder Packing Corporation:		lemon extract-----	696
tomato catsup-----	621	Dryden, Carol, & Co.:	
Brach, E. J., & Sons:		oysters-----	582
sugar roasted peanuts-----	692	Dubon Co.:	
Bradford, Dorothy:		peanut butter-----	674
candy-----	687	Duer, M., & Co., Inc.:	
Branson, W. R.:		potatoes-----	600
butter-----	535	El Mar Packing Co.:	
Braverman, Benny:		raisins-----	662
horse meat-----	663	Ely, Walter, Co.:	
Britt, Roy:		butter-----	537, 543, 564
cream-----	568	Engle, Alice:	
California Packing Corporation:		cream-----	568
prunes-----	660	Erickson, H. L.:	
raisins-----	660	cream-----	568
Camp, Wm. A., Co., Inc.:		Fagan, A. A.:	
Brazil nuts-----	667	shrimp, frozen-----	588
Campbell Produce Co.:		Farm Union Cooperative Creamery:	
cream-----	568	butter-----	539

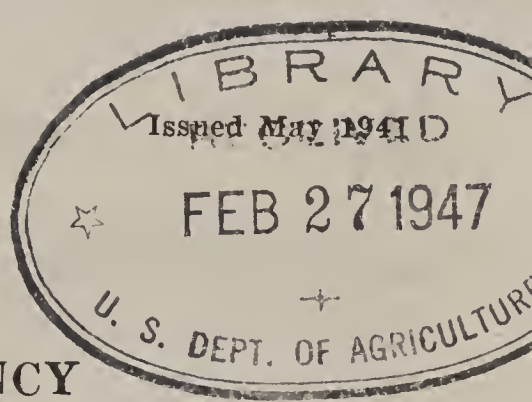
	N. J. No.		N. J. No.
Farmers Cooperative Creamery :		Herold, Jos. J., Co. :	
butter-----	553	butter-----	530
Farmers Creamery :		H & H Poultry Co., Inc. :	
butter-----	562	poultry-----	665
Farmers Produce Co. :		Hillman Creamery :	
peanuts, shelled-----	668, 669	butter-----	542
Farmers Union Cooperative Produce Association :		Hoefer's Centennial Chocolates :	
butter-----	540	candy-----	685
Farrell, F. J. :		Hot Springs Creamery :	
cream-----	568	butter-----	543
Federated Foods, Inc. :		Howard Terminal :	
peas, canned-----	607	tomatoes and tomato products-----	619, 624, 630, 640
Fickenscher, Paul :		Hudson-Duncan & Co. :	
cream-----	568	walnut meats-----	672
Fine Foods, Inc. :		Hunter, Walton & Co. :	
tomato products-----	614, 618, 622, 648, 649, 651	butter-----	540, 562, 563
Fisher, J. T. :		Independent Fish Co. :	
cream-----	569	buffalo fish-----	577
Flotill Products, Inc. :		Independent Grocers Alliance Distributors, Inc. :	
tomatoes and tomato products--	631-633, 639-641	tomato catsup-----	617
Fontana Food Product Co. :		Independent Shrimp Co. :	
macaroni-----	523	shrimp, frozen-----	593
Food Products Co. of America :		Jacobsen, Lorenzo :	
tomato catsup-----	617	cream-----	570
Foremost Sales Co., Inc. :		Joannes Bros. Co. :	
butter-----	551	olive oil-----	681
Fortgang Bros. :		Johnson, Kyle :	
butter-----	530	cream-----	568
Foster & Wood Canning Co. :		Jonesboro Rice Mills Co. :	
candy-----	685	rice bran-----	525
Fox, Peter, Sons Co. :		Kelley Butter Co. :	
eggs, frozen-----	574	butter-----	554
Frazier Packing Corporation :		Kelley-Clarke Co. :	
tomato catsup-----	613	salmon, canned-----	585
Frederick City Packing Co. :		Kern Food Products, Inc. :	
peas, canned-----	606	apple butter-----	656
Fremont Dairyman's Cooperative Marketing Assoc. :		Kier, Perry :	
cream-----	570	butter-----	544
French Sardine Co., Inc. :		Kimball Creamery :	
bonita, canned-----	575	butter-----	562, 563
Gemac Laboratories :		Klock Produce Co. :	
vanilla flavor-----	698	butter-----	556
General Mills, Inc. :		Koenig Coffee Co. See Koenig, J. Henry, Co.	
flour-----	515	Koenig, J. Henry, Co. :	
Genoa Fisheries, Inc. :		coffee-----	504
pollack, frozen-----	584	Kootenai Valley Creamery :	
Geneva Preserving Co. :		butter-----	545
sauerkraut, canned-----	609	Kramer, J. R., Inc. :	
Gerber, R., & Co. :		butter-----	530, 549, 557
olive oil-----	681	Krank, A. J., Inc. :	
Gile, H. S., & Co. :		vanilla flavor-----	698
prune juice-----	502	Krasne Bros. :	
Gilliland, H. C. :		apple butter-----	655
cream-----	568	Krause, Chas. A., Milling Co. :	
Glacier Bay Oyster Co. :		corn flakes-----	520
oysters, frozen-----	583	Kruse, John :	
Grandma Cookie Co. :		cream-----	568
coconut bars-----	521	Kump, G. A. :	
Great Atlantic & Pacific Tea Co. :		cream-----	568
tomato juice-----	503	Lake Erie Canning Co. :	
Griffiths, J. S., Co. :		tomato catsup-----	612
butter-----	534	Lakeside Dairy :	
Grillo, Joe :		butter-----	546
olive oil-----	682	Land O'Hills Creamery :	
Gude Bros. Kieffer Co. :		butter-----	565
butter-----	531, 542	Lang, C. H. :	
Hamilton & Co. :		horse meat-----	663
mackerel, canned-----	580	Langdon, H. J. :	
Hammerschmidt, L. E. :		cream-----	568
cream-----	568	La Platte Sales Co. :	
Hannover Creamery Association :		hominy, canned-----	608
butter-----	541	La Salle Manufacturing Co. :	
Hanover Star Milling Co. :		vanilla flavor-----	699
flour-----	508	Latah Creamery :	
Harbor City Canning Co. :		butter-----	564
tomato paste-----	636	Leeman, Stephen, Products Corporation :	
Harcourt, Greene Co. :		tea-----	505
tomato catsup-----	620, 641	Leger Mill Co. :	
Hardy, J. R., Jr. :		flour-----	509
shrimp, frozen-----	588	Leggett, Francis H., & Co. :	
Heard, L. L. :		tomato paste-----	636
cream-----	568	Lindgren, N. M. :	
Hellerick, Frank, Co., Inc. :		butter-----	526
butter-----	552		

	N. J. No.		N. J. No.
Longino & Collins:		Pacific Fruit & Produce Co.:	
butter, whipt-----	567	tomato products-----	618, 622, 649
Los Angeles Importing Co.:		Pacific Pool Car Co.:	
olive oil-----	682	tomato paste-----	638
Lucks, Oscar, Co.:		Pacific Premium Co.:	
nut topping-----	673	popcorn candy-----	693
Marr, H. A., Grocery Co.:		Palmer Fruit Products, Inc.:	
tomato catsup-----	613	jellies-----	657
Marwyn Dairy Products Co.:		Penick & Ford, Ltd., Inc.:	
butter-----	547	molasses-----	694
Maryland Grocery Co.:		Pennex Products Co., Inc.:	
spaghetti-----	524	flavors-----	697
Mason, Ehlman & Co.:		Perry Canning Co.:	
tomato products-----	627, 646	tomato catsup-----	618, 622, 625
McAllen Canning Co.:		Pickwick Creamery Co.:	
grapefruit juice-----	501	butter-----	552
McCabe, Lowell:		Pillsbury Flour Mills:	
cream-----	570	flour-----	511
McKay, Howard:		Pine Eagle Dairymen's Cooperative	
cream-----	568	Assoc.:	
McKenna, James:		butter-----	553
cream-----	570	Piner Fleet Fish Co.:	
Meriden Creamery Co.:		shrimp, frozen-----	591
butter-----	548	Pioneer Vegetable Exchange, Inc.:	
Michigan Fruit Canners, Inc.:		celery-----	599
tomato puree-----	645	Pleasant Grove Canning Co.:	
Middendorf & Rohrs:		peas, canned-----	607
tomato sauce-----	641	Plymouth Cereal Mills:	
Miller, S. A.:		corn meal-----	518
cream-----	569	Poehler, Theo., Mercantile Co.:	
Millsboro Poultry Co., Inc.:		tomato catsup-----	613
poultry-----	664	Poloncek, Jee.:	
Minervi, John:		cream-----	570
tomato paste-----	636	Port of Stockton:	
Monticello Dairy:		tomatoes and tomato products-----	641
butter-----	526	Portland Flour Mills Co.:	
Monticello Milling Co.:		flour-----	512
corn meal-----	516	Potter McCune Co.:	
Moore, Tom, Distillery:		tomato catsup-----	615
whisky-----	507	Pratt-Mallory Co.:	
Moosalina Products Corporation:		peas, canned-----	605
tomato paste-----	634, 639	Prince Dried Fruit Co.:	
Morten Milling Co.:		glace fruit-----	691
flour-----	510	Puget Sound Butter & Egg Co.:	
Mott Cooperative Creamery Co.:		butter-----	545
butter-----	549	Quaker Oats Co.:	
Mount Airy Canning Co.:		pancake flour-----	514
peas, canned-----	604	Rainer Packing Co.:	
Mountain Valley Produce:		peanut butter-----	677
eggs-----	571	Ramos Bros.:	
Myrtle Point Creamery:		shrimp, frozen-----	594
butter-----	550	Rasmussen Creamery Co.:	
National Candy Co.:		butter-----	554
candy-----	686	Recorg Supply Corporation:	
National Retailer-Owned Grocers, Inc.:		tomato catsup-----	630
tomato products-----	611, 647	Rice Bros. Packing Co.:	
Newbauer & Schmale:		shrimp, canned-----	588
tomato catsup-----	610	Rival Foods, Inc.:	
Norfolk Packing Co.:		salmon, canned-----	585
hominy, canned-----	608	Riverbank Canning Co.:	
North American Creameries, Inc.:		tomato paste-----	631, 635, 636, 638
butter-----	551	Riverside Packing Co., Inc.:	
North Ogden Canning Co.:		shrimp, canned-----	596
tomato catsup-----	616	Roberts, W. H., & Co.:	
North Pole Cold Storage Co.:		peas, canned-----	605
butter, whipt-----	567	Rosenberg Bros. & Co.:	
Northern Jobbing Co.:		prunes-----	659
tomato catsup-----	613	Roundup Grocery Co.:	
Ocono Co.:		prunes-----	659
tomato sauce-----	650	tomato puree-----	643, 644
O'Hara, F. J., & Sons, Inc.:		Royal Canning Corporation:	
haddock, frozen-----	578	tomato products-----	627, 643, 646
Olson, H. D.:		Royal Clover Distributing Co.:	
tomato products-----	625, 643, 644	tomato sauce-----	630
Ossola, J., Co.:		Rudo, B. H., & Bro.:	
tomato paste-----	636	tomato sauce-----	630
Owens, T. H.:		Rush County Mills:	
apples-----	597	corn meal-----	519
Pacetti Fish Co.:		Saline Milk Products Co.:	
shrimp, frozen-----	595	butter-----	555
Pacific Coast Nut House:		San Diego Macaroni Manufacturing	
almonds-----	666	Co.:	
Pacific Food Products Co.:		noodles-----	522
strawberries, canned-----	603	Sauer, C. F., Co.:	
		pepper-----	700

	N. J. No.		N. J. No.
Saunders County Dairy Co-op :		Swift & Co. :	
butter-----	556	eggs, frozen-----	572
Schwab, J. C. :		Talbot Packing Corporation :	
cream-----	568	peas, canned-----	604
Seiters, Inc. :		Talbot Packing & Preserving Co. :	
tomato catsup-----	611	peas, canned-----	604
Sentney Wholesale Grocery Co. :		Talbot, Woods & Co. :	
peas, canned-----	605	butter-----	560
Sessions Co., Inc. :		Taylor, H. P., Jr., Inc. :	
peanut butter-----	674	herring roe, canned-----	¹ 581
Shafer, G. M. :		Taylor & Sledd, Inc. :	
cream-----	568	herring roe, canned-----	¹ 581
Shenandoah Milling Co. :		Texas Peanut Products Co. :	
flour-----	513	peanut butter-----	679
Sherwood Fish Products Co. :		Thompson, G. E. :	
herring roe, canned-----	¹ 581	cream-----	570
Smith Canning Co. :		Triton Co. :	
tomato catsup-----	621	apples-----	598
Sorensen Creamery :		Trusty, Mrs. B. C. :	
butter-----	557	cream-----	568
South Plains Creamery :		Turlock Cooperative Growers :	
butter-----	566	tomato paste-----	637, 640
Southland Peanut Products Co. :		Two Brothers Fish Market :	
peanut butter-----	678	shrimp, frozen-----	587
Sperry Flour Co. :		Unity Mills Distributing Co. :	
flour-----	512	flour-----	511
Sprague, Warner & Co. :		Val Vita Food Products, Inc. :	
tomato puree-----	642	apricots, canned-----	602
Stacy Vorwerk Co. :		jelly-----	658
tomato catsup-----	614	tomato catsup-----	628, 629
Standard Brands, Inc. :		Valley Creamery & Produce Co. :	
tea balls-----	506	butter-----	565
Standard Chocolates, Inc. :		Viviano, S., Macaroni Manufacturing	
candy-----	687	Co. :	
Stanton Cooperative Creamery :		spaghetti-----	524
butter-----	558	Waggoner, Norman L., Inc. :	
Star Milling Co. :		tomato paste-----	635
flour-----	513	Waldbaum, S. & W., Inc. :	
Sterling, J. A. :		butter-----	544
cream-----	568	Wentworth, E. O. :	
Stockton Food Products, Inc. :		shrimp, frozen-----	586
tomatoes and tomato products-----	610, 619, 624, 641, 647	Whaley, C. D. :	
Sun-Maid Raisin Growers of Califor-		cream-----	568
nia :		Whitford Mercantile Co. :	
raisins-----	661	butter-----	561
Sunland Sales Cooperative Assoc. :		Wichern, U. R. :	
raisins-----	661	cream-----	568, 570
Sunnyvale Packing Co. :		Wilson & Co. :	
tomato soup-----	653	eggs, frozen-----	573
Surface Creek Creamery Association :		Woods Cross Canning Co. :	
butter-----	559	tomato catsup-----	623
Sutter Packing Co. :		Woolstrum, M. W. :	
tomato catsup-----	626	cream-----	568
		Yoelin Bros. Mercantile Co. :	
		tomato catsup-----	613
		Zenith-Godley Co. :	
		butter-----	539

¹ Contains findings of fact and conclusions of law.





FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

701-950

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 22, 1941.*

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BEVERAGES AND BEVERAGE MATERIALS¹

LEMON JUICE

701. Adulteration of lemon juice. U. S. v. 16 Cases of Lemon Juice. Default decree of condemnation and destruction. (F. D. C. No. 1415. Sample No. 70426-D.)

This product was in interstate commerce at the time of examination, and was found to be in whole or in part decomposed and to contain enamel from the lining of the cans at that time.

On January 27, 1940, the United States attorney for the Northern District of Texas filed a libel against 16 cases of lemon juice at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about July 14, 1937, by Hulburt's Fruit Products, Inc., from Arcadia, Calif., and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance and was otherwise unfit for food. The product was labeled in part: "Hulburt's Brand California Lemon Juice."

¹ See also N. J. Nos. 888, 889, and 891 for tomato juice.

On June 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 702 to 705 report the seizure and disposition of flour and corn meal which were in interstate commerce at the time of examination and were found to be insect-infested at that time.

702. Adulteration of flour. U. S. v. 70 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 763. Sample Nos. 68059-D, 68061-D.)

On October 18, 1939, the United States attorney for the Eastern District of New York filed a libel against 70 bags of flour at Brooklyn, N. Y., alleging shipment in interstate commerce on or about September 26, 1939, by Gross Bros. Flour Co. from Port Newark, N. J.; and charging that it was adulterated in that it was insect-infested. The article was labeled in part: "Security Patent Flour Packed For Gross Bros."

On November 24, 1939, the claimant, Gross Bros. Flour Co. Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured and that it should not be sold or disposed of for human consumption.

703. Adulteration of flour. U. S. v. 54 Bags, 36 Bags, 138 Bags, 111 Bags, and 75 Bags of Flour. Consent decree of condemnation. Product released under bond for disposal as livestock feed. (F. D. C. Nos. 557 to 561, incl. Sample Nos. 63074-D, 63076-D, 63077-D, 63078-D, 63080-D.)

On September 6, 1939, the United States attorney for the Middle District of Alabama filed a libel against 414 bags of flour at Montgomery, Ala., alleging that the article had been shipped within the period from on or about April 5 to on or about July 21, 1939, by Russell-Miller Milling Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was variously labeled in part: "White Spray [or "Sunburst" or "Producer"] Flour."

On October 9, 1939, Leo J. Drum and C. E. Weisenburgh (Capital Grain & Feed Co.) Montgomery, Ala., having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it should not be sold or disposed of for human consumption, but that it might be manufactured into feed for livestock.

704. Adulteration of rye flour. U. S. v. 15 Bags of Pillsbury's Pure Dark Rye Flour. Default decree of condemnation and destruction. (F. D. C. No. 1469. Sample No. 87620-D.)

On February 9, 1940, the United States attorney for the Southern District of Florida filed a libel against 15 bags of flour at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about November 3, 1939, by Russell-Miller Milling Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pillsbury's Pure Dark Rye Flour Pillsbury Flour Mills Company * * * Minneapolis, Minn."

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

705. Adulteration of corn meal. U. S. v. 25 Cases of White Corn Meal and 61 Cases of Yellow Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 1517. Sample Nos. 71357-D, 71358-D.)

On February 28, 1940, the United States attorney for the District of Arizona filed a libel against 25 cases of white corn meal and 61 cases of yellow corn meal at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 13, 1938, by Albers Bros. Milling Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Albers White [or "Yellow"] Corn Meal."

On June 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

706. Misbranding of macaroni. U. S. v. 61 Cartons of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 1101. Sample No. 86404-D.)

The packages containing this product were filled to about 56 percent of their capacity.

On November 29, 1939, the United States attorney for the District of Maine filed a libel against 61 cartons of macaroni at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by A. Zerega's Sons, Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "IGA Elbow Macaroni * * * Packed for Independent Grocers' Alliance Distributing Company, New York."

On December 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

707. Adulteration of macaroni and spaghetti. U. S. v. 5 Cases of Macaroni and 17 Cases of Spaghetti. Default decree of condemnation and destruction. (F. D. C. Nos. 1263, 1264. Sample Nos. 71308-D, 71310-D.)

These articles had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be insect-infested.

On January 5, 1940, the United States attorney for the District of Arizona filed a libel against 5 cases of macaroni and 17 cases of spaghetti at Phoenix, Ariz., alleging that the articles had been shipped in interstate commerce on or about September 15, 1937, and August 18, 1938, by the Anthony Macaroni & Cracker Co., Inc., from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. They were labeled in part: (Case) "La Paloma Brand * * * Macaroni [or "Mission Brand * * * Spaghetti"] Anthony Macaroni and Pretzel Co. Inc. Los Angeles, Calif."

On April 15, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

708. Misbranding of spaghetti. U. S. v. 198 Cases of Spaghetti. Decree of condemnation. Product released under bond for relabeling and reconditioning. (F. D. C. No. 814. Sample No. 47651-D.)

The containers of this product were misleading since their contents occupied on an average only about 42 percent of their capacity.

On October 25, 1939, the United States attorney for the District of Maryland filed a libel against 198 cases of spaghetti at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 10, 1939, by Philadelphia Macaroni Co. from Philadelphia, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: "Gold Seal Brand Spaghetti American Stores Co., Phila., Distributors."

On November 17, 1939, judgment of condemnation was entered and the product was ordered released to the claimant under bond for reconditioning and relabeling. It was repacked in 50-pound boxes and was properly relabeled.

709. Adulteration and misbranding of noodles. U. S. v. 14 Cases of Noodles. Default decree of condemnation and destruction. (F. D. C. No. 1594. Sample Nos. 14101-E, 14103-E, 14104-E.)

This product contained a yellow coal-tar color, tartrazine.

On March 7, 1940, the United States attorney for the District of New Jersey filed a libel against 14 cases of noodles at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about February 9 and 16, 1940, by V. Arena & Sons, Inc., from Norristown, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: (Packages) "Conte Luna Pure Egg Noodles."

It was alleged to be adulterated in that an artificially colored product had been substituted for pure egg noodles. It was alleged to be adulterated further in that artificial color had been added thereto so as to make it appear better or of greater value than it was with respect to egg content.

It was alleged to be misbranded in that the statement in the labeling, "Pure Egg Noodles * * * Made from semolina and egg yolk," was false and misleading as applied to an article that contained artificial color.

On May 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FEED

710. Misbranding of cottonseed meal. U. S. v. The Southland Cotton Oil Co. Plea of guilty. Fine, \$50. (F. D. C. No. 934. Sample Nos. 6002-D, 6003-D.)

This product was short weight.

On April 20, 1940, the United States attorney for the Northern District of Texas filed an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging shipment on or about September 4, 1939, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. It was labeled in part: "100 Pounds Net Chickasha Prime 43% Protein Cottonseed Cake or Meal."

It was alleged to be misbranded in that the statement "100 Pounds Net" on the tags attached to the sacks, was false and misleading in that said sacks did not contain 100 pounds net but did contain a less amount. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 17, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

711. Adulteration and misbranding of wheat gray shorts and ground wheat screenings. U. S. v. General Mills, Inc. (Washburn Crosby Co.). Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 943. Sample No. 6901-D.)

Wheat brown shorts had been substituted in whole or in part for wheat gray shorts in this product, which also contained fiber in excess of the amount declared.

On May 13, 1940, the United States attorney for the Western District of Missouri filed an information against General Mills, Inc., trading as Washburn Crosby Co., at Kansas City, Mo., alleging shipment on or about July 19, 1939, from the State of Missouri into the State of Kansas of a quantity of the above-named product, which was adulterated and misbranded. It was labeled in part: "Washburn's Gold Medal."

The article was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and * * * Screenings" and "Crude Fiber not more than 6.0%," borne on the labels, were false and misleading since it consisted in whole or in part of wheat brown shorts and screenings and contained more than 6 percent of crude fiber. It was alleged to be misbranded further in that it was offered for sale and sold under the name of another article.

On June 6, 1940, a plea of nolo contendere was entered on behalf of the defendant, and a fine of \$100 and costs was imposed.

712. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Rodney Milling Co. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 944. Sample No. 5983-D.)

Wheat brown shorts had been substituted in whole or in part for wheat gray shorts in this product, which also contained fiber in excess of the amount declared.

On May 8, 1940, the United States attorney for the Western District of Missouri filed an information against the Rodney Milling Co., at Kansas City, Mo., alleging shipment on or about September 13, 1939, from the State of Missouri into the State of Texas of a quantity of the above-named product, which was adulterated and misbranded.

It was alleged to be adulterated in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings.

It was alleged to be misbranded in that the statements, "Wheat Gray Shorts and * * * Screenings" and "Crude Fiber not more than 6 percent," borne on the label, were false and misleading since it consisted in whole or in part of wheat brown shorts and screenings and contained more than 6 percent of crude fiber. It was alleged to be misbranded further in that it was offered for sale and sold under the name of another food.

On May 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 with costs.

713. Adulteration and misbranding of Sterling Premix. U. S. v. 65 Bags of Sterling Premix. Default decree of condemnation and destruction. (F. D. C. No. 1803. Sample No. 75035-D.)

This product contained a much smaller amount of vitamin A than that indicated on its label.

On April 12, 1940, the United States attorney for the Western District of Wisconsin filed a libel against sixty-five 100-pound bags of Sterling Premix at West Salem, Wis., alleging that the article had been shipped in interstate commerce on or about September 22, 1939, by Northrup, King & Co. from Minneapolis, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sterling Premix * * * 20% of Fortified Cod Liver Oil Containing 3000 Vitamin A Units and 400 Vitamin D. Chick Units Per Gram."

It was alleged to be adulterated in that a valuable constituent had been in part omitted and abstracted therefrom, i. e., it did not contain 3,000 vitamin A units but did contain not more than 300 units of vitamin A per gram.

Misbranding was alleged in that the representations in the labeling that the article contained 20 percent of fortified cod-liver oil containing 3,000 vitamin A units per gram and that 1 pound of the article would replace 1 pint of good straight cod-liver oil, were false and misleading since it did not contain 3,000 units of vitamin A per gram and 1 pound thereof was not the equivalent and would not replace 1 pint of good straight cod-liver oil since it contained fewer units of vitamin A per gram than represented and 1 pound thereof contained a smaller quantity of vitamin A units than is contained in a pint of straight cod-liver oil.

On May 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered by the court that the product be destroyed.

SALT BLOCKS

714. Adulteration of salt blocks. U. S. v. 98 and 121 Salt Blocks. Default decrees of condemnation. Product destroyed. (F. D. C. Nos. 1291, 1621. Sample Nos. 66758-D, 74524-D.)

This product was contaminated with blood, animal hairs, and other filth.

On January 9 and March 14, 1940, the United States attorneys for the District of South Dakota and the District of Nebraska filed libels against 98 salt blocks at Fairview, S. Dak., and 121 salt blocks at Brunswick, Nebr., alleging that the article had been shipped in interstate commerce on or about November 3 and 16, 1939, by the Guarantee Veterinary Co. from Sioux City, Iowa; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food. It was alleged to be adulterated further in that it had been prepared, packed, or held under insanitary conditions whereby it had become contaminated with filth, and whereby it might have been rendered injurious to health.

On February 13 and June 10, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized in the District of Nebraska was ordered destroyed and that one seized in the District of South Dakota was ordered disposed of by the United States marshal. The latter was also destroyed.

715. Adulteration of salt blocks. U. S. v. 94 Salt Blocks. Default decree of condemnation and destruction. (F. D. C. No. 1507. Sample No. 72439-D.)

This product contained animal hairs, wood, straw, and other filth.

On February 20, 1940, the United States attorney for the District of Nebraska, filed a libel against 94 salt blocks at Pender, Nebr., alleging that the article had been shipped in interstate commerce on or about November 2, 1939, by Strange Bros. Hide Co. from Sioux City, Iowa; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance and was otherwise unfit for food. It was alleged to be adulterated further in that it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; or whereby it may have been rendered injurious to health.

On June 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 716 to 726 report the seizure and disposition of butter which was found to contain mold.

716. Adulteration of butter. U. S. v. 32 Tubs of Butter (and 4 other seizure actions against butter). Consent decrees of condemnation. Product ordered released under bond for use in the manufacture of soap and soap products. (F. D. C. Nos. 3054, 3055, 3056, 3075, 3105. Sample Nos. 19057-E, 19058-E, 19066-E, 19232-E, 19234-E.)

On September 7 and 14, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 128 tubs of butter at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 20 to on or about August 25, 1940, by the Land O'Hills Creamery Co. and Valley Creamery Co. (both owned and operated by the Bowser Sales & Trading Corporation) from Sistersville, W. Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 18, 1940, the Bowser Sales & Trading Corporation, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be used in the manufacture of soap and soap products.

717. Adulteration of butter. U. S. v. 11 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3057. Sample No. 24264-E.)

This product in addition to containing mold, was also deficient in milk fat.

On September 7, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 tubs of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 3, 1940, by Chesapeake Dairy Products Co. Inc., from Mathews, Va.; and charging that it was adulterated. It was labeled in part: "A. F. Bickley & Son * * * Phila. Pa."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be adulterated further in that it consisted in whole or in part of a filthy or decomposed animal substance.

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

718. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2679. Sample No. 1530-E.)

On August 20, 1940, the United States attorney for the District of Maryland filed a libel against nine tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19, 1940, by the Fairmont Creamery Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food. It was labeled in part: "Butter * * * The Fairmont Creamery Co. Distributors."

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

719. Adulteration of butter. U. S. v. 45 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2713. Sample No. 27050-E.)

On August 9, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 45 pounds of butter at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by French-Bauer, Inc., from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. It was labeled in part: "Parkway Creamery Butter."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

720. Adulteration of butter. U. S. v. 48 Cartons of Butter. Default decree of condemnation and order of destruction. (F. D. C. No. 2661. Sample Nos. 19218-E, 19219-E.)

On August 14, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 48 cartons of butter at Pittsburgh, Pa., alleging

that the article had been shipped in interstate commerce on or about July 26 and August 2, 1940, by the Merchants Creamery from Cincinnati, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: (Wrapper) "Goldendale Butter, Armour Creameries-Distributors-Gen'l Office Chicago Ill."

On October 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

721. Adulteration of butter. U. S. v. 43 Cubes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2731. Sample No. 27049-E.)

On August 6, 1940, the United States attorney for the Southern District of Indiana filed a libel against 43 cubes of butter at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by the Patton Creamery Co. from Springfield, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On October 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

722. Adulteration of butter. U. S. v. 64 Tubs of Butter. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 3077. Sample No. 34143-E.)

On September 17, 1940, the United States attorney for the Southern District of New York filed a libel against 64 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 9, 1940, by the South Mountain Creamery from Middletown, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

723. Adulteration and alleged misbranding of butter. U. S. v. 73 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2627. Sample No. 15475-E.)

On July 30, 1940, the United States attorney for the Western District of Tennessee filed a libel against 73 cases of butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about July 12 and July 19, 1940, by the Sugar Creek Creamery Co. from St. Louis, Mo.; and charging that it was adulterated and misbranded. Both shipments were labeled in part: "Diamond Springs Quality Butter." One shipment was labeled further: "Churned by Crown Butter Company, Danville, Illinois"; and the other shipment was labeled further: "Distributed by Sugar Creek Creamery Co. Danville, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a putrid or decomposed substance rendering it unfit for food. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading.

On September 4, 1940, no claimant having appeared, judgment was entered finding the product adulterated in that it consisted in whole or in part of a putrid and decomposed substance, and the court ordered that it be condemned and destroyed.

724. Adulteration of butter. U. S. v. 15 Boxes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2666. Sample No. 36072-E.)

On August 16, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 boxes of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 10, 1940, by the Wadley Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance. It was labeled in part: (Wrapper) "Willow Brook Brand Creamery Butter Distributed by The Wadley Company."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

725. Adulteration of butter. U. S. v. 220 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2660. Sample No. 15476-E.)

On August 1, 1940, the United States attorney for the Western District of Tennessee filed a libel against 220 cases of butter at Memphis, Tenn., alleging

that the article had been shipped in interstate commerce within the period from on or about July 5 to on or about July 11, 1940, by the Yorkshire Creamery Co. from Bruce, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed animal substance which rendered it unfit for food.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

726. Adulteration and misbranding of butter. U. S. v. 3 Cartons and 29½ Boxes of Butter. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 3013, 3031. Sample Nos. 2682-E, 33377-E.)

Samples taken from one shipment of this product were found to contain mold and those taken from the other were found to be deficient in milk fat.

On or about September 5 and September 9, 1940, the United States attorneys for the District of Massachusetts and the District of Connecticut filed libels against 3 cartons of butter at Worcester, Mass., and 29½ boxes of butter at New Haven, Conn., alleging that the article had been shipped in interstate commerce by the Cudahy Packing Co. from Sioux City, Iowa, on or about August 14 and August 30, 1940; and charging that it was adulterated and that one shipment was also misbranded. The article was labeled in part: "Daisy Maid Brand Creamery Butter" or "Daisy Butter."

The lot seized at Worcester, Mass., was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

The lot seized at New Haven, Conn., was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It also was alleged to be misbranded in that the statement on the label "Butter" was false and misleading.

On September 30, 1940, no claimant having appeared for the lot seized at Worcester, Mass., judgment of condemnation was entered and the said lot was ordered destroyed. On September 23, 1940, the Cudahy Packing Co., having appeared as claimant for the butter seized at New Haven, Conn., and having admitted the allegations of the libel, judgment of condemnation was entered and the product seized in that district was ordered released under bond conditioned that it be brought into compliance with the law.

727. Adulteration of packing stock butter. U. S. v. 1 Drum of Packing Stock Butter. Default decree of condemnation and destruction. (F. D. C. No. 2680. Sample No. 28438-E.)

Samples of this product were found to contain various types of filth such as maggots, cow hairs, rodent hairs, insects, fragments of insects, and nondescript dirt.

On August 22, 1940, the United States attorney for the District of Maryland filed a libel against 1 drum of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by J. W. Bell from Shelby, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food.

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

728. Adulteration and misbranding of butter. U. S. v. 28, 117, and 62 Pounds of Creamery Butter. Default decree of condemnation and destruction. (F. D. C. No. 1738. Sample Nos. 4231-E, 4232-E, 4233-E.)

This product was short weight and one lot was deficient in milk fat.

On March 26, 1940, the United States attorney for the Northern District of Indiana filed a libel against 207 pounds of creamery butter at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about March 8 and 15, 1940, by Byrnes & Schuhmann, Inc., from Chicago, Ill., to Byrnes & Schuhmann, Inc., at Hammond, Ind.; and charging that it was misbranded and that one lot was also adulterated. It was labeled in part: "Murphy Brand Butter * * * Distributed by Murphy Butter & Egg Co. Chicago, Ill."; or "Sweet Clover Creamery Butter * * * Murphy Butter & Egg Co. Chicago, Illinois."

One lot (20 pounds) was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted or abstracted from the article and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

All lots were alleged to be misbranded in that the statements in the labeling, "One Pound Net" or "1 Pound Net," were false and misleading in that they were not correct. They were alleged to be misbranded further in that the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

729. Misbranding of butter. U. S. v. Turner Creamery Co. Plea of guilty. Fine, \$50. (F. D. C. No. 2993. Sample No. 5405-E.)

This product was short weight.

On August 7, 1940, the United States attorney for the Southern District of Indiana filed an information against the Turner Creamery Co., a corporation, Paoli, Ind., alleging shipment on or about March 26, 1940, from the State of Indiana into the State of Kentucky, of a quantity of butter which was misbranded. It was labeled in part: (Wrapper) "Roll Gold Brand * * * 1 Lb. Net."

It was alleged to be misbranded in that the statement "1 Lb. Net" was false and misleading since each of the wrappers did not contain 1 pound net of butter but did contain a less amount. It was alleged to be misbranded further in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

On September 26, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

Nos. 730 to 732, inclusive, report the institution of criminal proceedings based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

730. Adulteration of butter. U. S. v. Barrett Cooperative Creamery Co. Plea of guilty. Fine, \$75. (F. D. C. No. 959. Sample Nos. 85834-D. 10308-E, 10333-E.)

On August 14, 1940, the United States attorney for the District of Minnesota filed an information against the Barrett Cooperative Creamery Co., a corporation, at Barrett, Minn., alleging shipment within the period from on or about December 26, 1939, to on or about March 19, 1940, from the State of Minnesota into the State of New York, of quantities of butter which was adulterated. It was labeled in part: "Distributed by Gude Bros. Kieffer Co. * * * New York."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 14, 1940, a plea of guilty was entered on behalf of the defendant and a fine of \$75 was imposed.

731. Adulteration of butter. U. S. v. Isaly's Creamery Products, Inc. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 962. Sample Nos. 51851-D, 69774-D.)

On July 15, 1940, the United States attorney for the Northern District of Indiana filed an information against Isaly's Creamery Products, Inc., Ft. Wayne, Ind., alleging shipment on or about August 12 and 19, 1939, from the State of Indiana into the State of Pennsylvania of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On August 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 with costs.

732. Adulteration of butter. U. S. v. Leo J. Jacobsen (The Roberts Creamery). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 938. Sample No. 74419-D.)

On March 30, 1940, the United States attorney for the Western District of Wisconsin filed an information against Leo J. Jacobsen, trading as the Roberts Creamery at Roberts, Wis., alleging shipment on or about December 7, 1939, from the State of Wisconsin into the State of Minnesota, of a quantity of butter which was adulterated.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted from the article and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 17, 1940, the defendant entered a plea of guilty and was fined \$500.

Nos. 733 to 799, inclusive, of this publication report the seizure and disposition of butter which contained less than 80 percent of milk fat.

733. Adulteration and alleged misbranding of butter. U. S. v. 168 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2213. Sample No. 14726-E.)

On June 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 168 50-pound boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 28, 1940, by the Albin Creamery Co. from Sleepy Eye, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Box) "Frank Hellerick Co., Inc."; (print) "Butter."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading since it contained less than 80 percent of milk fat.

On June 17, 1940, Frank Hellerick & Co., Inc., Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product adulterated and ordering that it be condemned; and it was ordered further that the product be released under bond conditioned that it should not be sold or disposed of contrary to law.

734. Adulteration of butter. U. S. v. 26 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3145. Sample No. 34149-E.)

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 26 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Andersen Creamery from Miller, S. Dak.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Trelease & Underhill * * * New York."

On October 8, 1940, the Andersen Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

735. Adulteration and misbranding of butter. U. S. v. 29 60-Pound Cartons of Butter. Decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2131. Sample No. 14719-E.)

On May 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against twenty-nine 60-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Anderson Creamery Co. from Litchfield, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by C. G. Heyd & Co. Phila. Pa."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading as applied to a product which contained less than 80 percent of milk fat.

On May 28, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

736. Adulteration and misbranding of butter. U. S. v. 2 Tubs and 31 Cubes of Butter. Decrees of condemnation. Portion of product ordered released under bond; remainder delivered to a charitable institution. (F. D. C. Nos. 2290, 3203. Sample Nos. 33317-E, 24496-E.)

On June 19 and October 8, 1940, the United States attorneys for the Southern District of New York and the Eastern District of Pennsylvania filed libels against two tubs of butter at New York, N. Y., and 31 cubes of butter at Phila-

delphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 7 and September 27, 1940, by the Aneta Creamery or the Aneta Creamery & Produce Co. from Aneta, N. Dak.; and charging that it was adulterated and misbranded. One lot was labeled in part: "Aneta Creamery, Aneta, N. Dak. * * * Zenith-Godley Co. N. Y." The other lot was labeled in part: "Butter Distributed by C. G. Heyd & Co. Phila. Pa. * * * Aneta Creamery, Aneta, N. Dak."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On July 3, 1940, no claimant having appeared for the lot seized at New York, N. Y., judgment of condemnation was entered and the said lot was ordered delivered to a charitable institution. On October 18, 1940, C. G. Heyd & Co., Philadelphia, claimant for the butter seized at Philadelphia, Pa., having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be brought into compliance with the law.

737. Adulteration and misbranding of butter. U. S. v. 18 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2287. Sample No. 10445-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 18 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the Arrow Creamery, of Hazen, N. Dak., in a pool car shipped from Carlton, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Fortgang Bros. * * * Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On July 10, 1940, the claimant, Fortgang Bros., Inc., New York, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

738. Adulteration and misbranding of butter. U. S. v. 90 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2254. Sample No. 33308-E.)

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 90 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Ashley Creamery from Ashley, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Creamery Butter Distributed by Zimmer & Dunkak, Inc. 4008 New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On June 28, 1940, the claimant, the Ashley Creamery, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

739. Adulteration of butter. U. S. v. 36 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3032. Sample No. 34142-E.)

On September 13, 1940, the United States attorney for the Southern District of New York filed a libel against 36 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by the Baldwin Creamery Co. from Clark, S. Dak.; and charging that it was adulterated. It was labeled in part: "Distributors Zenith-Godley Co. N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 24, 1940, the claimant, the Baldwin Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

740. Adulteration and misbranding of butter. U. S. v. 24 Cartons and 45 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. Nos. 3022, 3030. Sample Nos. 33349-E, 33360-E.)

On September 5 and September 11, 1940, the United States attorney for the Southern District of New York filed libels against 69 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 19 and August 27, 1940, by the Beardsley Creamery Co. from Beardsley, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter. Distributed by S. & W. Waldbaum Inc. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On September 26, 1940, the claimant, the Beardsley Creamery Co., having admitted the allegations of the libels, a consolidated judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

741. Adulteration and misbranding of butter. U. S. v. 25 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 1949. Sample No. 2348-E.)

On May 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 25 cases of butter at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by the Beatrice Creamery Corporation from Champaign, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: (Case) "Butter Distributed by Beatrice Creamery Co."; (wrapper) "Cloverdale Creamery Made Expressly for Genery Stevens Co. Worcester, Mass."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On May 13, 1940, the Beatrice Creamery Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

742. Adulteration and misbranding of butter. U. S. v. 7 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3165. Sample No. 24491-E.)

On October 1, 1940, the United States attorney for the Southern District of New York filed a libel against seven cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 17, 1940, by the Brooten Cooperative Creamery Association from Brooten, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Distributed by Zenith Godley Co. * * * Philadelphia, Pa. * * * Mfg. By Brooten Co-Op. Cry. Ass'n., Brooten, Minn."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On October 11, 1940, the Brooten Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

743. Adulteration of butter. U. S. v. 22 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2664. Sample Nos. 30543-E, 30547-E.)

On or about August 14, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1940, by the W. A. Burch Co. from Medford, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by Dauber Bros. Chicago."

On August 15, 1940, the claimant, Dauber Bros., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

744. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2289. Sample No. 33315-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 11 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the Clinton Creamery Co., of Clinton, Minn., from North Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by J. R. Kramer, Inc., New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On July 3, 1940, the claimant, the Clinton Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

745. Adulteration and misbranding of butter. U. S. v. 167 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. D. C. No. 3546. Sample No. 52268-E.)

On December 3, 1940, the United States attorney for the Southern District of California filed a libel against 167 cases of butter at San Diego, Calif., alleging the article had been introduced in interstate commerce on or about November 24, 1940, by the Commercial Creamery Co. from Spokane, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: "Packed for the American Poultry & Provision Company, San Diego, Stanley Brokerage Co., Los Angeles, Calif."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On December 23, 1940, H. W. Stanley, trading as the Stanley Brokerage Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be sold or disposed of in violation of the law.

746. Adulteration and misbranding of butter. U. S. v. 34 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2278. Sample No. 33689-E.)

On or about June 20, 1940, the United States attorney for the District of New Jersey filed a libel against 34 cartons of butter at North Hawthorne, N. J., alleging that the article had been shipped in interstate commerce on or about June 6, 1940, by the Cooperative Farmers Creamery from Glenwood City, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter GR. A & P Tea Co. N Y Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. Misbranding was alleged in that the statement "Butter," borne on the label, was false and misleading since it was not correct.

On June 29, 1940, the claimant, the Boyceville Cooperative Creamery Association, Glenwood City, Wis., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to comply with the law.

747. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2619. Sample Nos. 30534-E, 30538-E.)

On or about August 8, 1940, the United States attorney for the Northern District of Illinois filed a libel against 45 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the A. T. Crouch Creamery Co., from Bloomer, Ark.; and charging that it was adulterated in that a product containing less than 80

percent by weight of milk fat had been substituted for butter. It was labeled in part: "The Peter Fox Sons Co. Distributors, Chicago, Ill."

On August 9, 1940, the claimants, the Peter Fox Sons Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

748. Adulteration of butter. U. S. v. 29 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3021. Sample No. 32040-E.)

On August 20, 1940, the United States attorney for the Southern District of California filed a libel against 29 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by the Dairymen's Co-Op Creamery of Boise Valley from Caldwell, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On September 3, 1940, the Challenge Cream & Butter Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought up to the legal standard under the supervision of the Food and Drug Administration.

749. Adulteration and misbranding of butter. U. S. v. 18 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2039. Sample No. 2367-E.)

On May 18, 1940, the United States attorney for the District of Massachusetts filed a libel against 18 cartons of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Ellendale Creamery Association from Ellendale, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Mfg. By Geneva Village Cry. Ass'n. Geneva, Minn. Lewis-Mears Co. Boston, Mass."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled in part "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 11, 1940, the Geneva Village Creamery Association, Geneva, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

750. Adulteration of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3019. Sample No. 30559-E.)

On or about September 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 15 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 14, 1940, by the El Reno Poultry & Egg Co. from El Reno, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter The Peter Fox Sons Co. Distributors."

On September 16, 1940, the claimant, Peter Fox Sons Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked in compliance with the law.

751. Adulteration and misbranding of butter. U. S. v. 37 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3167. Sample No. 34154-E.)

On October 1, 1940, the United States attorney for the Southern District of New York filed a libel against 37 tubs of butter at New York, N. Y., on or about September 14, 1940, by the Equity Union Creameries, Inc., from Aberdeen, S. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Dairy & Poultry Coop. Inc. * * * New York Creamery Butter Distributed by —."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On October 14, 1940, the claimant, the Equity Union Creameries, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

752. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2273. Sample No. 2395-E.)

On June 19, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about June 11, 1940, by the Farmers Cooperative Creamery from Sheldon, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Farmers Creamery Boyden, Ia."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On June 27, 1940, the claimant, Pipestone Produce Co., of Somerville, Mass., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

753. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2681. Sample No. 30549-E.)

On or about August 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 10 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the Farmers Cooperative Creamery from Newell, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Distributed by Swierenga Bros., Chicago, Ill."

On August 22, 1940, the claimant, Swierenga Bros., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

754. Adulteration and misbranding of butter. U. S. v. 18 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2169. Sample No. 33248-E.)

On May 25, 1940, the United States attorney for the Southern District of New York filed a libel against 18 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Farmers Cooperative Creamery from Clarkfield, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Paul R. Dillon Co., Inc., New York."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by act of March 4, 1923. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading when applied to a product that contained less than 80 percent of milk fat.

On June 11, 1940, Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent butterfat.

755. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2136. Sample No. 2638-E.)

On May 25, 1940, the United States attorney for the District of Massachusetts filed a libel against 14 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by

the Farmers Cooperative Creamery from Storden, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Farmers Co-op Creamery * * * First National Stores, Somerville, Mass."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On June 27, 1940, the Pipestone Produce Co., of Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

756. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2276. Sample No. 33313-E.)

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the Farmer's Co-operative Creamery Association, of Rosholt, S. Dak., in pool car shipped from Duluth, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Distributed by F. F. Lowenfels & Son * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 28, 1940, Farmer's Co-operative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

757. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2253. Sample No. 33309-E.)

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1940, by the Farmers Mutual Cooperative Creamery from Sioux City, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: "Carl Ahlers, Inc., Distributors New York, Butter."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On June 27, 1940, the Farmers Mutual Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

758. Adulteration and misbranding of butter. U. S. v. 4 Cartons and 6 Boxes of Butter. Default decrees of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. D. C. Nos. 2162, 2164. Sample Nos. 10158-E, 10977-E, 10979-E.)

On May 27, 1940, the United States attorney for the Southern District of New York filed libels against 4 cartons each containing 60 pounds, and 6 boxes each containing 50 1-pound rolls of butter, at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 4 and May 11, 1940, by the Farmers' Union Cooperative Creamery from Portland, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter. Distributed by F. F. Lowenfels & Son, New York"; or "Creamery Butter. Distributed by Zimmer & Dunkak, Inc., New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading when applied to a product containing less than 80 percent by weight of milk fat.

On June 8, 1940, no claimant having appeared, decrees of condemnation and forfeiture were entered, and it was ordered that the product be delivered to charitable institutions for consumption and not for sale.

759. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2252. Sample No. 33311-E.)

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1940, by the Farmers Union Cooperative Creamery from Portland, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By F. F. Lowenfels & Son New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On June 28, 1940, the claimant, the Farmers Union Cooperative Creamery, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

760. Adulteration and misbranding of butter. U. S. v. 9 Cartons of Butter. Consent decree of condemnation and forfeiture. Product released to claimant for reworking. (F. D. C. No. 2168. Sample Nos. 33247-E, 33251-E.)

On May 29, 1940, the United States attorney for the Southern District of New York filed a libel against 9 cartons, each containing 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by the Glen Ullin Creamery from Glen Ullin, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Distributed by Trelease & Underhill."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," borne on the label, was false and misleading when applied to a product containing less than 80 percent by weight of milk fat.

On June 8, 1940, Emil Harter, trading as Glen Ullin Creamery, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released to the claimant under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

761. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3026. Sample No. 33354.)

On September 5, 1940, the United States attorney for the Southern District of New York filed a libel against 15 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 20, 1940, by the Goodrich Creamery Co. from Goodrich, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter Walton & Co., * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the article was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the claimant, the Goodrich Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

762. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2745. Sample No. 33350-E.)

On August 30, 1940, the United States attorney for the Southern District of New York filed a libel against 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Griggs County Creamery Co. from Cooperstown, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by J. R. Kramer Inc. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On August 30, 1940, the claimant, the Griggs County Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

763. Adulteration of butter. U. S. v. 8 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3235. Sample No. 24495-E.)

On October 9, 1940, the United States attorney for the Southern District of New York filed a libel against eight boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by the Heron Lake Cooperative Creamery from Heron Lake, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Distributors Zenith-Godley Co. * * * Philadelphia, Pa."

On October 18, 1940, the claimant, the Heron Lake Cooperative Creamery Association having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it contain at least 80 percent milk fat.

764. Adulteration and misbranding of butter. U. S. v. 8 Cartons of Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2292. Sample No. 33686-E.)

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against eight cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 5, 1940, by the Klossner Creamery Co. from Klossner, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Made by Klossner Creamery Company, Klossner, Minn. * * * Great Atlantic & Pacific Tea Co."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On July 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

765. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3215. Sample No. 34170-E.)

On October 5, 1940, the United States attorney for the Southern District of New York filed a libel against seven tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 24, 1940, by the Knapp Creamery from Cokato, Minn. in a pool car shipped by the Midwest Dairy Dispatch; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter, Walton & Co. * * * New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On October 18, 1940, the Knapp Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

766. Adulteration of butter. U. S. v. 4 Cubes of Butter. Consent decree of condemnation and destruction. (F. D. C. No. 2235. Sample No. 30508-E.)

On June 8, 1940, the United States attorney for the Northern District of Illinois filed a libel against four cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the Kruger Dairy Products Co. from Monon, Ind.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by Beatrice Creamery Co. Chicago."

On June 17, 1940, the consignor having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

767. Adulteration and misbranding of butter. U. S. v. 16 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3236. Sample No. 34169-E.)

On October 10, 1940, the United States attorney for the Southern District of New York filed a libel against 16 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by the Langenfeld Dairy Products Co. from Watertown, S. Dak., to Minneapolis, Minn., thence in a pool shipment to New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Dist. by Zimmer & Dunkak Inc. * * * New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On October 23, 1940, the Langenfeld Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

768. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2962. Sample No. 10972-E.)

On May 22, 1940, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 11, 1940, by the Le Sueur Creamery Co., of Le Sueur, Minn., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: (Top) "148 Butter S. & W. Waldbaum Inc., 4613 Distributors New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 7, 1940, the claimant, the Le Sueur Creamery Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

769. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2626. Sample No. 4860-E.)

On or about July 18, 1940, the United States attorney for the Northern District of Illinois filed a libel against 20 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 26, 1940, by the Lykens Co-operative Creamery from Centuria, Wis.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Distributed by the Kroger Grocery & Baking Co., * * * Chicago, Ill."

On July 25, 1940, the Lykens Co-operative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

770. Adulteration and misbranding of butter. U. S. v. 4 Cartons and 4 Cases of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 2246, 2248. Sample Nos. 2392-E, 2842-E.)

On June 10 and 12, 1940, the United States attorney for the District of Massachusetts filed libels against four cartons of butter at Boston, Mass., and four cases of butter at East Watertown, Mass., alleging that the article had been shipped in interstate commerce on or about June 5 and 9, 1940, by the Lyndonville Creamery Association from Lyndonville, Vt.; and charging that it was adulterated and misbranded. It was labeled in part: "Speedwell Farms Choice Creamery Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On July 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

771. Adulteration of butter. U. S. v. 62 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3018. Sample No. 30558-E.)

On or about September 5, 1940, the United States attorney for the Northern District of Illinois filed a libel against 62 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the Lyon County Creamery from Tracy, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter * * * Manufactured by Frank Pilley & Sons, Inc. * * * Omaha."

On October 2, 1940, the claimant, Miles Friedman, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

772. Adulteration and misbranding of butter. U. S. v. 59 60-Pound Cartons of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2064. Sample No. 14718-E.)

On May 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against fifty-nine 60-pound cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 16, 1940, by Mananah Creamery from Mananah, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by C. G. Heyd & Co., Phila, Pa."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading since the product contained less than 80 percent of milk fat.

On May 28, 1940, C. G. Heyd & Co., Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

773. Adulteration and misbranding of butter. U. S. v. 35 Tubs of Butter (and one other seizure of butter). Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3207, 3237. Sample Nos. 34160-E, 34175-E.)

On October 4 and October 9, 1940, the United States attorney for the Southern District of New York filed libels against 62 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19 and September 21, 1940, by the Marion Cooperative Creamery from Marion and Marion Junction, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter, Walton & Co. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On October 18, 1940, the Marion Cooperative Creamery, claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

774. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2620. Sample No. 30541-E.)

On or about August 10, 1940, the United States attorney for the Northern District of Illinois filed a libel against three tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Merrick Dairy Co. from Beloit, Wis.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Merrick Dairy Co. * * * Butter Karsten & Sons * * * Chicago, Ill. Distributors."

On August 24, 1940, the consignee having consented, judgment of condemnation was entered and the product was ordered destroyed.

775. Adulteration of butter. U. S. v. 5 Cubes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 969. Sample Nos. 73243-D, 73250-D.)

On October 30, 1939, the United States attorney for the Northern District of California filed a libel against five cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 18, 1939, by the Merrill Creamery from Klamath Falls, Oreg.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Merrill Creamery, Merrill Oregon * * * Wilsey, Bennett Co. * * * San Francisco."

On October 10, 1940, an amended decree was entered as of November 21, 1931, ordering condemnation of the product and ordering further that it be released under bond conditioned that it be made to comply with the law.

776. Adulteration of butter. U. S. v. 11 Cubes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2166. Sample No. 21919-E.)

On May 27, 1940, the United States attorney for the Northern District of California filed a libel against 11 cubes of butter at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Milk Producers Association of Central California from Fallon, Nev.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On July 9, 1940, the Milk Producers Association of Central California having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

777. Adulteration and misbranding of butter. U. S. v. 36 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3029. Sample No. 33358-E.)

On September 9, 1940, the United States attorney for the Southern District of New York filed a libel against 35 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by Miller & Holmes, Inc., from St. Paul, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter J. R. Kramer, Inc. Distributor, New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On September 24, 1940, the claimant, Miller & Holmes, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

778. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2255. Sample No. 33307-E.)

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 29 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about May 31, 1940, by the Napoleon Creamery, of Napoleon, N. Dak. from Linton, N. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed By Zimmer & Dunkak, Inc., * * * New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On June 28, 1940, the Napoleon Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

779. Adulteration of butter. U. S. v. 93 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2022. Sample Nos. 2356-E, 2365-E.)

On May 15, 1940, the United States attorney for the District of Massachusetts filed a libel against 93 cartons of butter at Somerville, Mass., alleging that

the article had been shipped in interstate commerce on or about April 28, 1940, by the New England Dairies, Inc., from Concord, Vt.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 3, 1940, the claimant, New England Dairies, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

780. Adulteration and misbranding of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2277. Sample No. 33684-E.)

On or about June 20, 1940, the United States attorney for the District of New Jersey filed a libel against 12 cartons of butter at Jersey City, N. J., alleging that the article had been shipped on or about June 4, 1940, by the New Sweden Creamery Association, of Nicollet, Minn., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Gr. A & P Tea Co. N Y Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading since it was not correct.

On June 29, 1940, the New Sweden Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

781. Adulteration of butter. U. S. v. 19 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 2056. Sample No. 10159-E.)

On May 20, 1940, the United States attorney for the District of New Jersey filed a libel against 19 boxes of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by H. M. Noack & Sons from Arlington, Minn.; and charging that it was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "The Great A & P Co. Jersey City N. J. * * * Packed By H. M. Noack & Sons."

On June 14, 1940, H. M. Noack & Sons, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under Government supervision to meet the requirements of the law.

782. Adulteration and misbranding of butter. U. S. v. 10 Tubs and 2 Tubs of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1987, 2040. Sample Nos. 2357-E, 2366-E, 2368-E.)

On May 13 and May 18, 1940, the United States attorney for the District of Massachusetts filed libels against 12 tubs of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 2 and May 9, 1940, by the North Danville Creamery Co. from North Danville, Vt.; and charging that it was adulterated and that a portion was also misbranded. It was labeled in part: "W. H. Lerner & Sons Boston Mass. W 65#;" or "Butter Distributed by W. H. Lerner & Sons, Boston, Mass."

The article in both shipments was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. One shipment was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On August 6, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

783. Adulteration and misbranding of butter. U. S. v. 86 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2192. Sample No. 33252-E.)

On June 3, 1940, the United States attorney for the Eastern District of New York filed a libel against 86 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about

May 14, 1940, by the Northrop Cooperative Creamery Co. from Northrop, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunnyfield A&P Butter The Great Atlantic & Pacific Tea Company."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 13, 1940, the Northrop Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

784. Adulteration of butter. U. S. v. 2 Cartons of Butter. Default decree of condemnation. Product ordered distributed to a charitable institution. (F. D. C. No. 3133. Sample No. 24284-E.)

On September 26, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against two cartons of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by the Northwest Dairy Forwarding Co. from St. Paul, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "A. F. Bickley & Son, Distributors Phila., Pa."

On October 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

785. Adulteration and misbranding of butter. U. S. v. 98 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2245. Sample No. 14604-E.)

On June 12, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 98 boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 29, 1940, by the Pickwick Creamery from La Moille, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: (Print) "Butter * * * Frank Hellerick Co. Inc. Phila. Pa. Wholesale Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which labeling was false and misleading in that the product contained less than 80 percent by weight of milk fat.

On June 24, 1940, Frank Hellerick & Co., Inc., of Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

786. Adulteration and misbranding of butter. U. S. v. 175 Pounds of Creamery Butter. Default decree of condemnation and order of destruction. (F. D. C. No. 782. Sample No. 75369-E.)

On October 11, 1939, the United States attorney for the Southern District of Ohio filed a libel against 175 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Rising Sun Creamery Co. from Rising Sun, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Blue Ribbon Creamery Butter * * * Packed Expressly for The Goyert & Vogel Co., Cincinnati, Ohio."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted for butter. It was alleged to be adulterated further in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled as butter, whereas it contained less than 80 percent by weight of milk fat.

On November 30, 1939, no claimant having appeared, and but 25 pounds having been seized, judgment of condemnation was entered and the product was ordered destroyed.

787. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3168. Sample No. 34155-E.)

On October 1, 1940, the United States attorney for the Southern District of New York filed a libel against 13 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 13, 1940, by the Roslyn Creamery Co. from Roslyn, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Zimmer & Duukak * * * New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On October 14, 1940, the Roslyn Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

788. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2291. Sample No. 33319-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 15 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 6, 1940, by the Rum River Creamery Co., of Milaca, Minn., from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter, Walton & Co. * * * New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On July 12, 1940, the Rum River Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

789. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 1872. Sample Nos. 14636-E, 14641-E.)

On April 19, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 13 boxes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 12, 1940, by Sac City Creamery Co. from Sac City, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: (Box) "Distributed by J. G. Haldeman & Bro. * * * Phila. Pa."; (print) "Butter * * * Sac City Creamery Co. Sac City, Iowa."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter," on the label, was false and misleading as applied to a product which contained less than 80 percent by weight of milk fat.

On April 22, 1940, Sac City Creamery Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

790. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3028. Sample No. 33356-E.)

On September 9, 1940, the United States attorney for the Southern District of New York filed a libel against 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by the Scotland Creamery from Scotland, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Distributors Zenith-Godley Co. N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On September 24, 1940, the Scotland Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

791. Adulteration of butter. U. S. v. 10, 8, 13, and 11 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 1973. Sample No. 7823-E.)

On May 6, 1940, the United States attorney for the Southern District of California filed a libel against 42 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 27, 1940, by the Sego Milk Products Co. from Preston, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 27, 1940, the Sego Milk Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

792. Adulteration and misbranding of butter. U. S. v. 68 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked and relabeled. (F. D. C. No. 2256. Sample No. 33310-E.)

On June 17, 1940, the United States attorney for the Southern District of New York filed a libel against 68 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1940, by the Sorensen Creameries from Big Stone City, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by J. R. Kramer, Inc., * * * New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On June 27, 1940, the Sorensen Creameries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

793. Adulteration of butter. U. S. v. 13 Cases, 15 Cases, and 15 Cases of Butter. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 2758, 2759. Sample Nos. 16678-E to 16682-E, incl.)

On August 15 and August 22, 1940, the United States attorney for the District of Kansas filed libels against 43 cases of butter at Kansas City, Kans., alleging that the product had been shipped in interstate commerce on or about August 9 and August 12, 1940, by the Spring Valley Butter Co. from Kansas City, Mo.; and charging that it was adulterated. It was labeled in part: "Daisy Maid Brand Country Roll Butter [or "Monogram Creamery Butter"] The Cudahy Packing Co. Distributors."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted from the article; and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On August 27, 1940, the Spring Valley Butter Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be destroyed or brought into compliance with the provisions of the law.

794. Adulteration and misbranding of butter. U. S. v. 11 Cubes of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2963. Sample No. 14519-E.)

On May 24, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 11 cubes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by Steele County Cooperative Creamery Association from Medford, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunnyfield SE A & P Butter The Great Atlantic & Pacific Tea Co."

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which statement

was false and misleading since the product contained less than 80 percent of milk fat.

On May 29, 1940, the Great Atlantic & Pacific Tea Co., of Philadelphia, Pa., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law.

795. Adulteration and misbranding of butter. U. S. v. 22 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2288. Sample No. 33321-E.)

On June 20, 1940, the United States attorney for the Southern District of New York filed a libel against 22 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 8, 1940, by the Turtle Mountain Creamery Co., of Rolette, N. Dak., in a pool car shipped from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Zenith Godley Co., N. Y. * * * [Pencil] Rolette Cry."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On July 3, 1940, the Rolette Creamery Co., Rolette, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

796. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3016. Sample No. 10540-E.)

On September 6, 1940, the United States attorney for the Southern District of New York filed a libel against 20 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by the Valentine Creamery from Valentine, Nebr.; and charging that it was adulterated and misbranded. It was labeled in part: "Herold Gearon Co. Inc. * * * New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the Valentine Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

797. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2239. Sample No. 4897-E.)

On or about May 23, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended on or about June 13, 1940) against five tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Vinton Creamery Co. from Vinton, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "The Peter Fox Sons Co., Chicago, Ill."

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

798. Adulteration and misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2275. Sample No. 33312-E.)

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against 23 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1940, by the Webster Creamery Co. from Webster, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by F. F. Lowenfels & Son."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On June 28, 1940, the Webster Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

799. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3025. Sample No. 33353-E.)

On September 5, 1940, the United States attorney for the Southern District of New York filed a libel against 13 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by the Woodriver Creamery Association from Grantsburg, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Hunter Walton & Co. * * * New York, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

On September 18, 1940, the Woodriver Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

EGGS

800. Adulteration of frozen whole eggs. U. S. v. 800 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2035. Sample No. 12763-E.)

This product was in interstate commerce at the time of examination, and was found to be in whole or in part decomposed at that time.

On May 25, 1940, the United States attorney for the Northern District of California filed a libel against 800 cans of frozen whole eggs at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by Gold Medal Dairies from Missoula, Mont.; and charging that it was adulterated in that it consisted wholly or in part of a putrid or decomposed substance.

On June 4, 1940, Gold Medal Dairies having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of in violation of the law.

FISHERIES PRODUCTS

801. Adulteration of crab meat. U. S. v. Edgar P. Hitchings and Vernon D. Hitchings, trading as E. A. Hitchings & Co. Plea of nolo contendere. Imposition of sentence suspended. (F. D. C. No. 942. Sample Nos. 34894-D, 47631-D, 47632-D.)

This product contained evidence of the presence of filth.

On April 11, 1940, the United States attorney for the Eastern District of Virginia filed an information against Edgar P. Hitchings and Vernon D. Hitchings, trading as E. A. Hitchings & Co. at Norfolk, Va., alleging shipment by each defendant on or about August 30 and 31, 1939, from the State of Virginia into the State of Pennsylvania, of quantities of crab meat which was adulterated in that it consisted in whole or in part of a filthy substance.

On May 6, 1940, pleas of nolo contendere were entered by the defendants. Imposition of sentence was suspended on condition that the defendants in the future follow all regulations and rules of the Food and Drug Administration.

802. Adulteration of fish. U. S. v. 488 and 194 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. Nos. 312, 313. Sample Nos. 59145-D, 59146-D.)

This product had been shipped in interstate commerce and was in interstate commerce when examined, at which time it was found to be in part decomposed.

On July 26, 1939, the United States attorney for the Southern District of Indiana filed a libel against 682 boxes of haddock fillets at Indianapolis, Ind., and an amended libel on August 11, 1939, alleging that the article had been shipped in interstate commerce on or about July 6, 1939, by Busalacchi Bros. (194 boxes for Henry & Close, Inc.) from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal

substance.. The article was labeled in part: "Seakist Quality [or "Iceberg Brand"] Fillets."

On April 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

803. Adulteration of canned mackerel. U. S. v. 1,250 Cases of Mackerel. Product ordered released under bond for segregation and destruction of portion found to be decomposed. (F. D. C. No. 873. Sample No. 58308-D.)

Examination showed that this product was in part decomposed.

On November 17, 1939, the United States attorney for the Southern District of Georgia filed a libel against 1,250 cases of canned mackerel at Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by Superior Fisheries, Inc., from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Dixiland Brand Fresh Packed California Mackerel * * * San Carlos Canning Co. Monterey and Long Beach, Calif."

On November 30, 1939, Superior Fisheries, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering release of the product under bond, conditioned that such portion as might be found to be decomposed, be segregated from the good portion and destroyed.

804. Adulteration of ocean perch fillets. U. S. v. 300 Boxes of Ocean Perch. Consent decree of condemnation and destruction. (F. D. C. No. 1178. Sample No. 55161-D.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

On December 13, 1939, the United States attorney for the Northern District of Illinois filed a libel against 300 boxes of frozen fish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1939, by the Gorton-Pew Fisheries Co., Ltd., from Boston, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On December 28, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

805. Adulteration of fillets. U. S. v. 207 Boxes of Grey Sole Fillets and 516 Boxes of Redfish Fillets. Decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 1522. Sample Nos. 87007-D, 87099-D.)

These articles had been shipped in interstate commerce and were in interstate commerce at the time they were examined, at which time they were found to be in part decomposed. A portion of the redfish also contained parasitic worms.

On February 23, 1940, the United States attorney for the District of Massachusetts filed a libel against 723 boxes of grey sole and redfish fillets at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about February 9, 1940, by F. J. O'Hara & Sons, Inc., from Portland, Maine; and charging that they were adulterated in that they consisted in whole or in part of filthy and decomposed substances.

On May 9, 1940, the claimant, F. J. O'Hara & Sons, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the unfit portions be segregated and destroyed.

806. Misbranding of sardines. U. S. v. 2,450 Cans of Sardines. Default decree entered. Product ordered distributed to charitable institutions. (F. D. C. No. 1357. Sample No. 86554-D.)

These sardines were packed to only about 76 percent of the capacity of the cans.

On or about January 18, 1940, the United States attorney for the District of Connecticut filed a libel against 2,450 cans of sardines at New London, Conn., alleging that the article had been shipped in interstate commerce on or about September 14, 1939, by the Ramsdell Packing Co. from Rockland, Maine; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On April 26, 1940, no claimant having appeared, judgment was entered ordering that the product be distributed to charitable institutions.

807. Adulteration and misbranding of canned tuna fish. U. S. v. 376 Cases and 1,321 Cases of Canned Tuna Fish. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. D. C. No. 1957. Sample Nos. 33003-E, 33004-E.)

Examination of samples showed this product to be light meat tuna similar to yellow fin, not white meat tuna as labeled.

On May 13, 1940, the United States attorney for the Southern District of New York filed a libel against 1,697 cases, each containing 48 cans, of canned tuna fish at New York, N. Y., alleging that the article had been shipped on or about January 26 and February 2, 1940, by the Sea Foods Corporation from Manila, P. I.; and charging that it was adulterated and misbranded. The product was labeled in part: "Carnation Club Brand Flakes [or "Fancy"] White Meat Tuna Fish. Product of Philippine Islands."

The article was alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Tuna Fish," borne on the labels, was false and misleading. It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On May 28, 1940, the Sea Foods Corporation, Manila, P. I., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond for relabeling.

808. Adulteration and misbranding of canned tuna flakes. U. S. v. 25 Cases of White Meat Tuna Fish. Default decree entered ordering product delivered to charitable institutions. (F. D. C. No. 1947. Sample No. 10626-E.)

This product was a light meat tuna similar to yellow fin, and not white meat tuna as labeled.

On or about May 15, 1940, the United States attorney for the District of Connecticut filed a libel against 25 cases of canned tuna fish at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about April 22, 1940, by Wm. A. Camp & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Carnation Club Brand Flakes White Meat Tuna Fish * * * Packed by Sea Foods Corporation, Manila, Phillipine Is."

It was alleged to be adulterated in that light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

The article was alleged to be misbranded in that the statement on the cans, "White Meat Tuna Fish," was false and misleading, since it was not white meat tuna; and in that it was offered for sale under the name of another food.

On June 11, 1940, no claim having been entered for the product, judgment was entered ordering that it be distributed to charitable institutions after the labels had been removed.

809. Adulteration of fish roe. U. S. v. 1 Barrel of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 1903. Sample No. 1140-E.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

On April 29, 1940, the United States attorney for the District of Maryland filed a libel against 1 barrel, containing 81 cans, of fish roe at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by T. C. Slaughter from Reedville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

Nos. 810 to 817, inclusive, report the seizure and disposition of apples which bore spray residue containing lead or arsenic and lead.

810. Adulteration of apples. U. S. v. 35 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1919. Sample No. 66706-D.)

On or about October 9, 1939, the United States attorney for the Western District of Missouri filed a libel against 35 bushels of apples at Easton, Mo.,

alleging that the article had been shipped in interstate commerce on or about October 4, 1939, by Floyd Auxier from Wathena, Kans., to his place of business at Easton, Mo.; and charging that it was adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

811. Adulteration of apples. U. S. v. 12,000 Pounds of Apples. Decree of condemnation. Product ordered released under bond to be washed and cleaned. (F. D. C. No. 1104. Sample No. 79872-D.)

On or about November 8, 1939, the United States attorney for the District of Kansas filed a libel against 12,000 pounds of apples at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about October 30, 1939, by John E. Beebe from Berrien Springs, Mich., to his place of business at Wichita, Kans.; and charging that it was adulterated in that it contained a poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On December 4, 1939, John E. Beebe, Wichita, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under bond on condition that they be washed. They were washed in accordance with the terms of the bond, and upon examination were found to be satisfactory.

812. Adulteration of apples. U. S. v. 300 Bushels of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 1322. Sample No. 54444-D.)

On November 14, 1939, the United States attorney for the Western District of Missouri filed a libel against 300 bushels of apples at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about November 8, 1939, by Carl Fain from Lawrence, Mich., to himself at Joplin, Mo.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 28, 1939, the shipper having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

813. Adulteration of apples. U. S. v. 200 Bushels and 200 Bushels of Apples. Default decrees of condemnation and destruction. (F. D. C. Nos. 881, 882. Sample Nos. 75812-D, 75813-D.)

On October 11 and 17, 1939, the United States attorney for the Eastern District of Tennessee filed a libel against 400 bushels of apples at Athens, Tenn., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by Doyal Housley from Chesapeake, Ohio; and charging that it was adulterated in that it contained added poisonous and deleterious ingredients, namely, excessive amounts of arsenic and lead which might have rendered it injurious to health.

On January 9, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

814. Adulteration of apples. U. S. v. 225 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be washed. (F. D. C. No. 1090. Sample Nos. 79362-D, 79363-D.)

On or about October 23, 1939, the United States attorney for the District of Kansas filed a libel against 225 bushels of apples at El Dorado, Kans., alleging that the article had been shipped in interstate commerce on or about October 4, 1939, by H. B. Moss from Bangor, Mich.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On December 4, 1939, the claimant, H. B. Moss, having admitted the allegations of the libel, judgment of condemnation was entered and the apples were ordered released under bond conditioned that they be washed under the supervision of the Food and Drug Administration.

815. Adulteration of apples. U. S. v. 62 Crates of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1103. Sample No. 79206-D.)

On September 29, 1939, the United States attorney for the Eastern District of Illinois filed a libel against 62 crates of apples at Kankakee, Ill., alleging that the article had been transported in interstate commerce on or about

September 24, 1939, from Sodus, Mich., by John Panozzo, to his place of business at Kankakee, Ill.; and charging that it was adulterated in that it contained an added poisonous or deleterious ingredient externally applied, namely, lead in harmful quantities.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

816. Adulteration of apples. U. S. v. 264 Crates of Jonathan Apples. Consent decree of condemnation. Product released under bond to be disposed of in compliance with the law. (F. D. C. No. 1405. Sample No. 79447-D.)

On October 17, 1939, the United States attorney for the Western District of Wisconsin filed a libel against 264 crates of apples at Janesville, Wis., alleging that the article had been shipped in interstate commerce on or about October 11, 1939, by Russell Tidey from Lawrence, Mich.; and charging that it was adulterated in that it contained a poisonous and deleterious ingredient, lead, which might have rendered it harmful and injurious to health.

On October 28, 1939, Carr, Inc., Janesville, Wis., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

817. Adulteration of apples. U. S. v. 250 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond to be cleaned. (F. D. C. No. 625. Sample No. 63859-D.)

On or about September 11, 1939, the United States attorney for the Western District of Oklahoma filed a libel against 250 bushels of apples at Oklahoma City, Okla., alleging that the article had been transported in interstate commerce by C. S. Watson, from Monett, Mo., on or about September 8, 1939; and charging that it was adulterated in that it contained lead-spray residue, an added poisonous ingredient which might have rendered it injurious to health.

On September 11, 1939, C. S. Watson, Oklahoma City, Okla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be cleaned under the supervision of the Food and Drug Administration.

BLUEBERRIES

Nos. 818 to 867, inclusive, report the seizure and disposition of blueberries and huckleberries which contained maggots.

818. Adulteration of blueberries. U. S. v. 62 Packages of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2793. Sample No. 33796-E.)

On September 11, 1940, the United States attorney for the District of New Jersey filed a libel against 62 packages of blueberries at Plainfield, N. J., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by John H. Dulaney & Son from Exmore, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bob White Frosted Fresh * * * Blueberries * * * Bob White Frosted Foods Corp. New York, N. Y."

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

819. Adulteration of blueberries. U. S. v. 1,571 Baskets of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2834. Sample Nos. 33900-E, 34501-E to 34507-E, incl.)

On September 16, 1940, the United States attorney for the District of New Jersey filed a libel against 1,571 baskets of blueberries at Newark, N. J., alleging that the article had been shipped in interstate commerce by Altemose Bros., from Long Pond, Pa., within the period from on or about August 7 to on or about August 24, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

820. Adulteration of blueberries. U. S. v. 143 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2368. Sample No. 14876-E.)

On July 9, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 143 crates of blueberries at Philadelphia,

Pa., alleging that the article had been shipped in interstate commerce on or about July 6, 1940, by Andrews & Knowles from Mount Olive, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

821. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2574. Sample No. 36067-E.)

On August 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 10 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Charles Boyer from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

822. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2369. Sample No. 14878-E.)

On July 9, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 crates of blueberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 6, 1940, by A. W. Caldwell from Clinton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

823. Adulteration of blueberries. U. S. v. 12 Crates and 570 Quarts of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2567, 3908. Sample Nos. 34052-E, 27359-E.)

On August 2 and August 27, 1940, the United States attorneys for the Southern District of New York and the Northern District of Ohio filed libels against 12 crates of blueberries at New York, N. Y., and 570 quarts of blueberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 1 and August 20, 1940, by John Charney from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part variously: "Best-Pak Fancy Blueberries"; "Penna Mountains"; or "Blue Mountains."

On August 21 and September 18, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

824. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2761. Sample No. 36091-E.)

On August 30, 1940, the United States attorney for the District of Massachusetts filed a libel against three crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 30, 1940, by Charles E. Cheever from South Lyndeboro, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tag) "Berries Adams Chapman Co. * * * Boston From Chas. E. Cheever So. Lyndeboro, N. H."

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

825. Adulteration of blueberries. U. S. v. 30 Crates and 20 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2614, 2623. Sample Nos. 34278-E, 34280-E.)

On August 12, 1940, the United States attorney for the Southern District of New York filed libels against 50 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 9, 1940, by Samuel Cohn from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Skylark Blueberries M & C Berry Packers Stockton, Pa."

On September 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

826. Adulteration of blueberries. U. S. v. 24 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2677. Sample No. 36078-E.)

On August 19, 1940, the United States attorney for the District of Massachusetts filed a libel against 25 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 18, 1940, by George Emery from New Durham, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

827. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2566. Sample No. 34051-E.)

On August 2, 1940, the United States attorney for the Southern District of New York filed a libel against eight crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Fatula Bros. from Pottsville, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Blue Mountains Fancy Blueberries."

On August 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

828. Adulteration of blueberries. U. S. v. 39 Crates and 30 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2616, 2624. Sample Nos. 34381-E, 34382-E.)

On August 12, 1940, the United States attorney for the Southern District of New York filed libels against 69 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10 and 11, 1940, by Joseph Festa from Carbondale, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Pennsylvania Fancy 'Fresh Pak' Blueberries."

On September 10 and 11, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

829. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2633. Sample No. 33872-E.)

On August 14, 1940, the United States attorney for the Southern District of New York filed a libel against 12 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by M. Freach from Pocono Summit, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

830. Adulteration of blueberries. U. S. v. 51 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2571. Sample No. 34272-E.)

On August 9, 1940, the United States attorney for the Southern District of New York filed a libel against 51 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by J. J. Gulick from Shenandoah, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

831. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2570. Sample No. 34266-E.)

On August 6, 1940, the United States attorney for the Southern District of New York filed a libel against 14 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by H. R. Heimzelman from Mount Pleasant Mills, Pa.; and

charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

832. Adulteration of blueberries. U. S. v. 38 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2617. Sample No. 34385-E.)

On August 12, 1940, the United States attorney for the Southern District of New York filed a libel against 38 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 11, 1940, by Anna Hudock from Pocono Summit, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

833. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2396. Sample No. 19616-E.)

On July 12, 1940, the United States attorney for the Southern District of New York filed a libel against 10 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by J. D. Jerome from Rosehill, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

834. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries and 1 other seizure of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2562, 2730. Sample Nos. 33882-E, 34034-E.)

On August 2 and August 28, 1940, the United States attorneys for the Southern District of New York and the Eastern District of New York filed libels against 9 crates of blueberries at New York, N. Y., and 128 crates of blueberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30 and August 12, 1940, by Kostick Bros. from Beaver Meadows, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Bluebird Picked Blueberries."

On August 14 and September 13, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

835. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2568. Sample No. 34056-E.)

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 8 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 2, 1940, by M. Kundrack from St. Clair, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Sunny Mountains Brand Sweet Berries St. Clair, Pa."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

836. Adulteration of blueberries. U. S. v. 211 Quarts of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 3009. Sample No. 27376-E.)

On August 20, 1940, the United States attorney for the Northern District of Ohio filed a libel against 211 quarts of blueberries at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by Kurt Bros. from Mount Carmel, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

837. Adulteration of blueberries. U. S. v. 59 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2712. Sample No. 33876-E.)

On August 23, 1940, the United States attorney for the Eastern District of New York filed a libel against 59 crates of blueberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Paul La Buda from Hazelton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

838. Adulteration of blueberries. U. S. v. 19 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2564. Sample No. 34038-E.)

On August 2, 1940, the United States attorney for the Southern District of New York filed a libel against 19 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by J. J. Leskin from Shenandoah, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

839. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2573. Sample No. 34274-E.)

On August 9, 1940, the United States attorney for the Southern District of New York filed a libel against six crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by John Lombardo from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Broad Mountain Brand Penna. Select Blue Berries."

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

840. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2575. Sample No. 36068-E.)

On August 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 14 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Daniel E. Mahoney from St. Clair, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "William Penn Brand Sweet Berries."

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

841. Adulteration of blueberries. U. S. v. 20 Crates and 63 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. No. 2613. 2615. Sample Nos. 34277-E, 34279-E.)

On August 12, 1940, the United States attorney for the Southern District of New York filed libels against 83 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8 and 9, 1940, by John Matsko, Jr., from McAdoo, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Matsko's Penna Spring Mountain Blue Berries 'freshpak'."

On September 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

842. Adulteration of blueberries. U. S. v. 15 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2678. Sample No. 3795-E.)

On August 15, 1940, the United States attorney for the Western District of New York filed a libel against 15 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about

August 12, 1940, by E. J. Matthews from Stockton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Skylark Blueberries M & C Berry Packers, Stockton, Pa."

On September 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

843. Adulteration of blueberries. U. S. v. 14 Crates and 10 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2657, 2659. Sample Nos. 3794-E, 3800-E.)

On August 15 and 16, 1940, the United States attorney for the Western District of New York filed libels against 24 crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12 and 13, 1940, by A. McAloose & Sons from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled: "Penna Mountains Fancy Blueberries"; or "Broad Mountain Brand Penna. Select Blue Berries."

On September 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

844. Adulteration of blueberries. U. S. v. 159 Crates of Blueberries. (F. D. C. No. 2803. Sample No. 33601-E.)

On September 14, 1940, the United States attorney for the District of New Jersey filed a libel against 159 crates of blueberries at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 17, 1940, by Mike McGurl from Jessup, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Anthracite Blues."

On December 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

845. Adulteration of blueberries. U. S. v. 4 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2576. Sample 36069-E.)

On August 5, 1940, the United States attorney for the District of Massachusetts filed a libel against five crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by D. D. Minor from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Best-Pak Fancy Blueberries."

On August 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

846. Adulteration of blueberries. U. S. v. 6 Crates and 9 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2561. Sample Nos. 2673-E, 2674-E.)

On August 8, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by Dominic Miraldo from Tresckow, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "William Penn Brand Penna Blue Berries."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

847. Adulteration of blueberries. U. S. v. 13 Cases and 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2591. Sample Nos. 2670-E, 2671-E.)

On August 8, 1940, the United States attorney for the District of Massachusetts filed a libel against 13 cases and 10 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by M. S. Pollock and Dominic Miraldo (both through the Spring Mountain Blueberry Association) from Tresckow, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Penna Mountains Fancy Blueberries"; or Broad Mountain Brand Penna. Select Blueberries."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

848. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2563. Sample No. 34035-E.)

On August 2, 1940, the United States attorney for the Southern District of New York filed a libel against five crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by A. Molina from Jessup, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Moosic Mountain Blueberries."

On August 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

849. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2658. Sample No. 3799-E.)

On August 16, 1940, the United States attorney for the Western District of New York filed a libel against four crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 14, 1940, by Peck & Goida from Hazelton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pennsylvania Supreme Selected Brand Blueberries."

On September 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

850. Adulteration of blueberries. U. S. v. 15 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2569. Sample No. 34059-E.)

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 15 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by M. S. Pollack from Tresckow, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Broad Mountain Brand Penna. Select Blue Berries."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

851. Adulteration of blueberries. U. S. v. 8 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2655. Sample No. 36521-E.)

On August 16, 1940, the United States attorney for the District of Massachusetts filed a libel against nine crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by Ernest E. Ross from South Lyndeboro, N. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Adams Chapman * * * Boston, Mass. From Ernest E. Ross."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

852. Adulteration of blueberries. U. S. v. 23 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2397. Sample No. 10617-E.)

On July 12, 1940, the United States attorney for the Southern District of New York filed a libel against 23 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 10, 1940, by T. R. Rouse from Rosehill, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On August 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

853. Adulteration of blueberries. U. S. v. 35 Crates and 10 Crates of Blueberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 2565, 2612. Sample Nos. 34939-E, 34276-E.)

On August 2 and August 12, 1940, the United States attorney for the Southern District of New York filed libels against 45 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 30 and August 9, 1940, by Paul Saladigo from Kelayres, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. A portion of the product was labeled in part: "Penna. Mountains [or "Blue Mountains"] Fancy Blueberries."

On August 14 and September 10, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

854. Adulteration of blueberries. U. S. v. 17 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2634. Sample No. 33873-E.)

On August 14, 1940, the United States attorney for the Southern District of New York filed a libel against 17 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by S. Salzburg from Mayfield, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

855. Adulteration of blueberries. U. S. v. 12 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2572. Sample No. 34273-E.)

On August 9, 1940, the United States attorney for the Southern District of New York filed a libel against 12 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by H. Scarpati from McAdoo, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Penna Mountains Fancy Blueberries."

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

856. Adulteration of blueberries. U. S. v. 210 Half-Bushel Baskets of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2794. Sample No. 33899-E.)

On September 11, 1940, the United States attorney for the District of New Jersey filed a libel against 210 half-bushel baskets of blueberries at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by Scoblick Bros. from Archbald, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

857. Adulteration of blueberries. U. S. v. 50 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2653. Sample No. 33874-E.)

On August 15, 1940, the United States attorney for the Southern District of New York filed a libel against 50 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by James Scoblick from Archbald, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

858. Adulteration of blueberries. U. S. v. 4 Crates and 1 Crate of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2762. Sample No. 36092-E.)

On August 30, 1940, the United States attorney for the District of Massachusetts filed a libel against five crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 30, 1940, by Fred W. Scott from Waldoboro, Maine; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Fred W. Scott Waldoboro, Maine, Curtis & Co., Inc., 2193 Boston, Mass.;" or "State of Maine Blueberries."

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

859. Adulteration of blueberries. U. S. v. 128 Crates of Blueberries (and one other seizure action against blueberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 2805, 2806. Sample Nos. 33602-E, 33891-E to 33896-E, incl., 33898-E.)

On September 14, 1940, the United States attorney for the District of New Jersey filed libels against 128 crates of blueberries at Newark, N. J., and 285 crates of blueberries at Jersey City, N. J., alleging that the article had been

shipped in interstate commerce within the period from on or about August 2 to on or about August 20, 1940, by Simensky & Levy Corporation from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The seizures located at Jersey City, N. J., were variously labeled in part: "Frackville Mountain Brand Blueberries Packed By A. Yudacufski, Frackville, Pa."; "Sunny Mountain Brand Sweet Berries"; "Penna Mountains Fancy Blueberries"; "Bluebird Picked Blueberries Packed by Kostick Bros."; and "Best-Pak Fancy Blueberries."

On November 29 and December 19, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

860. Adulteration of blueberries. U. S. v. 163 Quarts of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 3010. Sample No. 27445-E.)

On August 26, 1940, the United States attorney for the Southern District of Ohio filed a libel against 163 quarts of blueberries at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by John P. Skotek from McAdoo, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Pocono Mountain Fancy Blue Berries."

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

861. Adulteration of blueberries. U. S. v. 9 Crates and 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. Nos. 2654, 2656. Sample Nos. 36075-E, 36522-E.)

On August 15 and 16, 1940, the United States attorney for the District of Massachusetts filed libels against 19 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 15 and 16, 1940, by E. J. Stephenson from South Lyndeboro, N. H.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Adams Chapman Co. * * * From E. J. Stephenson."

On September 16, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

862. Adulteration of blueberries. U. S. v. 147 Crates of Blueberries (and one other seizure of blueberries). Default decrees of condemnation and destruction. (F. D. C. Nos. 2811, 2832. Sample Nos. 33603-E, 33604-E, 34517-E, 34518-E.)

On September 14 and 16, 1940, the United States attorney for the District of New Jersey filed libels against 259 crates and 27 quarts of blueberries at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about August 21 and 22, 1940, by Sunnyburn Trading Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

863. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2743. Sample No. 19602-E.)

On August 27, 1940, the United States attorney for the Western District of New York filed a libel against seven crates of blueberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about August 22, 1940, by Anthony Surtasky from Tobyhanna, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

864. Adulteration of blueberries. U. S. v. 78 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2632. Sample No. 33870-E.)

On August 14, 1940, the United States attorney for the Southern District of New York filed a libel against 78 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by F. Tomaine from Carbondale, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decom-

posed substance. It was labeled in part: "Carbondale Mountain Huckleberry Farms."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

865. Adulteration of blueberries. U. S. v. 41 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2631. Sample No. 33868-E.)

On August 14, 1940, the United States attorney for the Southern District of New York filed a libel against 41 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by John Urban from Mahanoy City, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

866. Adulteration of blueberries. U. S. v. 35 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 2560. Sample No. 24439-E.)

On August 7, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 35 crates of blueberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by Phillip Wescoat from Hammonton, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

867. Adulteration of blueberries. U. S. v. 139 Quarts of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 3011. Sample No. 27446-E.)

On August 26, 1940, the United States attorney for the Southern District of Ohio filed a libel against 139 quarts of blueberries at Cincinnati, Ohio, alleging that the product had been shipped in interstate commerce on or about August 21, 1940, by J. Zuber from McAdoo, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Keystone Brand Blueberries."

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HUCKLEBERRIES

868. Adulteration of huckleberries. U. S. v. 3 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2723. Sample No. 24472-E.)

On August 27, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against three crates of huckleberries at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by M. Albor from Green Bank, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

869. Adulteration of huckleberries. U. S. v. 24 Cartons of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2586. Sample No. 34271-E.)

On August 8, 1940, the United States attorney for the Southern District of New York filed a libel against 24 cartons of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 7, 1940, from Jessup, Pa., by Romano D'Antoni; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. The article was labeled in part: "Mid-Valley * * * Huckleberries."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

870. Adulteration of huckleberries. U. S. v. 13 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2452. Sample No. 3318-E.)

On July 16, 1940, the United States attorney for the Western District of New York filed a libel against 13 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1940, by A. W. Colwell Co. from Clinton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

871. Adulteration of huckleberries. U. S. v. 5 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2451. Sample No. 3319-E.)

On July 16, 1940, the United States attorney for the Western District of New York filed a libel against five crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1940, by J. F. Colwell from Clinton, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

872. Adulteration of huckleberries. U. S. v. 6 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3040. Sample No. 24480-E.)

On September 5, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against six crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 4, 1940, from Hammonton, N. J., by Robert S. Ford; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance. The article was labeled in part: (Tag) "John Stewart Co., Chas. J. Dougherty, * * * Philadelphia, Pa. Robert S. Ford * * * Hammonton, N. J."

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

873. Adulteration of huckleberries. U. S. v. 8 Baskets of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2622. Sample No. 19936-E.)

On August 10, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against eight baskets of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 4, 1940, by C. B. & S. D. Mangus from Vesuvius, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "C. B. & S. D. Mangus * * * Clarence Miller Pittsburgh, Pa."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

POTATOES

874. Adulteration of potatoes. U. S. v. 300 Sacks of Potatoes. Default decree of condemnation and destruction. (F. D. C. No. 349. Sample No. 60868-D.)

This product was infested with tuber moth and was in part decomposed.

On August 2, 1939, the United States attorney for the Southern District of Alabama filed a libel against 300 sacks of potatoes at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 29, 1939, by Covell Higby Co., from Wasco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "California Maple Leaf Long White Potatoes Simon Peters Shafter, Calif."

On August 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

875. Adulteration of canned apricots. U. S. v. 1,000 Cases of Canned Apricots. Default decree of condemnation and destruction. (F. D. C. No. 1441. Sample No. 58348-D.)

Samples of this product were found to contain insect larvae and other filth resulting from insect infestation.

On February 5, 1940, the United States attorney for the Western District of New York filed a libel against 1,000 cases of canned apricots at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by the Hemet Packing Co. from Hemet, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The cases containing the article were labeled in part: "Unlabeled Preheat Apricots * * * For Manufacturing Purposes Only Not to be Resold."

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

876. Adulteration of canned apricots. U. S. v. 1,250 Cases of Canned Apricots (and 4 other seizures of canned apricots). Default decree of condemnation and destruction. (F. D. C. Nos. 628, 1513, 1544, 1662, 1714. Sample Nos. 18558-D, 71353-D, 98685-D, 7036-E, 15002-E.)

This product contained fragments of insects and insect larvae and other filth resulting from insect infestation.

Between September 22, 1939, and March 27, 1940, the United States attorneys for the Western District of New York, the District of Arizona, and the Eastern District of New York filed libels against 1,250 cases of canned apricots at Rochester, N. Y., 45 cases at Phoenix, Ariz., 31 cases at Brooklyn, N. Y., and 10 cases at Tucson, Ariz., alleging that the article had been shipped by Val Vita Food Products, Inc. On March 19, 1940, a libel was filed in the Southern District of Iowa against 93 cases of canned apricots at Des Moines, Iowa, which had been shipped by Val Vita Food Products, Inc. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about July 15, 1939, to on or about January 16, 1940, from Fullerton, Calif., and that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Solid Pack Pre Heated Apricots"; or "Val Vita Brand Whole Apricots."

On June 1, 8, and 26, and July 2 and 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

877. Misbranding of canned apricots and peaches. U. S. v. 30 Cases of Canned Apricots and 40 Cases of Canned Peaches. Default decree of condemnation and destruction. (F. D. C. Nos. 985, 986, 987. Sample Nos. 58102-D, 58103-D, 58104-D.)

These products were substandard—the apricots, because the fruit was not in unbroken halves but was crushed, ragged, and broken into small fragments and was excessively trimmed; and the peaches, because the fruit was not normally colored, normal-sized, or uniform but consisted of broken, crushed, ragged, and excessively trimmed halves and some cans contained sliced peaches instead of halves as indicated on the label.

On November 18, 1939, the United States attorney for the District of Arizona filed a libel against 30 cases of canned apricots and 40 cases of canned peaches at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about June 17, 1939, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that they were misbranded. The articles were labeled in part: "Villa Var Brand Solid Pack Pie Apricots [or "Yellow Cling Peaches" or "Sliced Yellow Cling Peaches"]."

The articles were alleged to be misbranded in that they were canned foods and fell below the standard of quality and condition promulgated by the Secretary of Agriculture and their packages or labels did not bear plain and conspicuous statements prescribed by the Secretary of Agriculture indicating that they fell below such standard.

The peaches were alleged to be misbranded further in that the statements "Solid Pack Pie Yellow Cling Peaches," and the vignette of a dish of unbroken halves with respect to a portion, and the statement "Solid Pack Pie Sliced Yellow Cling Peaches" and the vignette of a dish of sliced peaches with respect to the remainder were false and misleading as applied to substandard peaches, some of the cans in the former instances containing sliced peaches in-

stead of halves and some of the cans in the latter instance containing halves instead of slices.

On February 5, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

878. Adulteration and misbranding of canned peas. U. S. v. 325 Cases of Peas. Decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 1519. Sample No. 88105-D.)

This product was canned soaked dry peas and not early June peas as labeled.

On February 23, 1940, the United States attorney for the District of Maryland filed a libel against 325 cases of canned peas at Thurmont, Md., alleging that the article had been shipped in interstate commerce on or about January 29, 1940, by Greenspan Bros. from Perth Amboy, N. J.; and charging that it was adulterated and misbranded. This shipment included goods, originally shipped to Greenspan Bros., which were returned to the packer, the Frederick City Packing Co., by direction of the broker for the latter firm. The article was labeled in part: "Richland Brand Early June Peas Packed by Frederick City Packing Co. Frederick, Maryland."

It was alleged to be adulterated in that soaked dry peas had been substituted wholly or in part for early June peas.

The article was alleged to be misbranded in that the statement on the label, "Early June Peas," and the design of peas in pods were false and misleading since the article was soaked dry peas.

On March 27, 1940, judgment of condemnation was entered and it was ordered that the product be released under bond to the claimant, conditioned that it be relabeled under the supervision of the Food and Drug Administration.

879. Adulteration of canned sweetpotatoes. U. S. v. 33 Cartons of Canned Sweetpotatoes. Default decree of condemnation and destruction. (F. D. C. No. 1362. Sample No. 83985-D.)

Examination showed this product to be decomposed.

On January 17, 1940, the United States attorney for the Western District of Washington filed a libel against 33 cartons, each containing 6 No. 10 cans, of sweetpotatoes at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about June 19, 1939, by A. W. Sisk & Son from Preston, Md.; and charging that it was adulterated. The shipment was made by George A. Bounds & Co. from Hebron, Md., in the name of A. W. Sisk & Son of Preston, Md., the latter firm acting as brokers in the transaction. The article was labeled in part: "I & M Brand Sweet Potatoes Packed by Insley & Mitchell Salisbury, Md."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On April 4, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

TOMATOES AND TOMATO PRODUCTS

880. Adulteration and misbranding of canned tomatoes. U. S. v. 697 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 1126. Sample No. 72856-D.)

This product contained worms, insect fragments, and excessive mold. It was also falsely branded as to the name of the manufacturer and place of manufacture.

On December 5, 1939, the United States attorney for the Eastern District of New York filed a libel against 697 cases of canned tomatoes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by the Riverbank Canning Co. from Riverbank, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Diana Brand Tomatoes with Puree from Trimmings California Packed and Guaranteed by Zerillo and La Fata Healdsburg California."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

It was alleged to be misbranded in that the statement "Packed and Guaranteed by Zerillo and La Fata Healdsburg, California" was false and misleading since the goods were not packed by Zerillo & La Fata at Healdsburg, Calif.

On September 5, 1940, answer having been filed by the claimant and the time for filing answer having expired, judgment of condemnation was entered and the product was ordered destroyed.

881. Adulteration of tomato catsup. U. S. v. Frazier Packing Corporation. Plea of guilty. Fine, \$250. (F. D. C. No. 2095. Sample Nos. 48254-D, 66737-D, 66738-D, 67098-D, 72034-D, 72935-D, 75916-D, 6431-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On August 15, 1940, the United States attorney for the Southern District of Indiana filed an information against the Frazier Packing Corporation, Elwood, Ind., alleging shipment by said company within the period from on or about August 24, 1939, to on or about January 24, 1940, from the State of Indiana into the States of Oklahoma, Kansas, Michigan, Kentucky, and Colorado of 7 consignments of tomato catsup which was adulterated. The article was labeled in part: "Frazier's Tomato Catsup * * * Prepared by Frazier Packing Corp."; "Dreher's Tomato Catsup * * * Packed for The Dreher Pickle Co., Fort Collins, Colo."; "White Birch Brand Catsup * * * Carpenter Cook Co., Menominee, Mich."; "Brimful Brand Tomato Catsup * * * H. A. Marr Grocery Co. Distributors."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed substance. The information also charged that the defendant had made two other shipments of tomato catsup which was adulterated in violation of the Food and Drugs Act of 1906, as reported in notice of judgment No. 31089 published under that act.

On September 26, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 for violation of both acts.

Nos. 882-885, inclusive, report the seizure and disposition of tomato catsup that contained excessive mold, indicating the presence of decomposed material.

882. Adulteration of tomato catsup. U. S. v. 81 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2045. Sample No. 568-E.)

On or about June 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 81 cases of tomato catsup at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about January 18, 1940, by F. M. Ball & Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "All Good Brand Tomato Catsup."

On July 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

883. Adulteration of tomato catsup. U. S. v. 95 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 1486. Sample No. 67142-D.)

On February 17, 1940, the United States attorney for the District of Kansas filed a libel against 95 cases of tomato catsup at Dodge City, Kans., alleging that the article had been shipped in interstate commerce on or about November 4, 1939, by the Box Elder Packing Corporation from Brigham City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "La Vora Brand * * * Distributed by Smith Canning Company, Clearfield, Utah."

On May 13, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

884. Adulteration of tomato catsup. U. S. v. 182 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2047. Sample No. 13166-E.)

On or about June 3, 1940, the United States attorney for the Eastern District of Washington filed a libel against 182 cases of tomato catsup at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about March 3, 1940, by Seiter's, Inc., from Post Falls, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Bottles) "Pheasant Brand Tomato Catsup Distributed by Wadhams and Company Portland, Oregon."

On July 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

885. Adulteration of tomato catsup. U. S. v. 20 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2041. Sample No. 13177-E.)

On May 29, 1940, the United States attorney for the District of Oregon filed a libel against 20 cases of tomato catsup at La Grande, Oreg., alleging that the article had been shipped in interstate commerce on or about March 21, 1940, by the Interior Grocery Co. from Walla Walla, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Bottles) "Pheasant Brand Tomato Catsup Distributed by Wadhams and Company, Portland, Oregon."

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

886. Adulteration of tomato catsup. U. S. v. 99 Cases and 59 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. Nos. 1394, 2043. Sample Nos. 56469-D, 12547-E.)

Samples of this product were found to contain fragments of insect larvae and other filth resulting from insect infestation.

On January 23 and May 28, 1940, the United States attorney for the District of Massachusetts filed libels against 158 cases of tomato catsup at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 8, 1939, and May 1, 1940, by the California Conserving Co. Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Bottles) "Monitor Brand Tomato Catsup."

On October 21, 1940, the California Conserving Co., Inc., claimant, having failed to file answers to the libels, and being in default, judgments of condemnation were entered and the product was ordered destroyed.

887. Misbranding of tomato catsup. U. S. v. 122 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1684. Sample No. 71373-D.)

This product was short weight.

On March 25, 1940, the United States attorney for the District of Arizona filed a libel against 122 cases of tomato catsup at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about January 6, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was misbranded. It was labeled in part: "Nt. Wt. 14 Oz. Monte Rio Tomato Catsup * * * Orange County Cannery, Inc., Fullerton, Calif."

It was alleged to be misbranded in that the statement "Nt. Wt. 14 Oz." was false and misleading in that it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 14, 1940, the claimant, Val Vita Food Products, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law.

888. Adulteration of tomato catsup and misbranding of tomato juice. U. S. v. 5½ Cases of Tomato Catsup and 17½ Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. Nos. 1216, 1217. Sample Nos. 83723-D, 83724-D.)

The tomato catsup contained fragments of larvae and other filth resulting from worm infestation and the tomato juice was short of the declared volume.

On December 22, 1939, the United States attorney for the District of Idaho filed a libel against 5½ cases of tomato catsup and 17½ cases of tomato juice at Twin Falls, Idaho, alleging that the articles had been shipped in interstate commerce on or about March 8, 1937, by Val Vita Food Products, Inc., from Fullerton, Calif., and charging that the former was adulterated and that the latter was misbranded. The articles were labeled in part: (Cans) "Val Vita Brand Tomato Catsup"; "Val Vita Brand Fancy Tomato Juice."

The tomato catsup was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

The tomato juice was alleged to be misbranded in that the statement "Net Contents 7¼ Fld. Ozs. or .21438 Liters," borne on the cans, was false and misleading since it was incorrect; and in that it was in package form and the label did not bear an accurate statement of the quantity of the contents.

On January 12, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

889. Adulteration of tomato catsup, tomato juice, and tomato puree. U. S. v. 575 Cases of Tomato Catsup (and 6 other seizure actions against tomato products). Decrees of condemnation and destruction. (F. D. C. Nos. 1787, 1891, 1908, 2208, 2299, 2240, 2241. Sample Nos. 13149-E, 13151-E, 13153-E, 13209-E, 13210-E, 13247-E to 13251-E, incl., 13253-E, 13401-E, 16025-E, 26001-E, 26003-E, 26005-E.)

These products contained decomposed material as evidenced by the presence of excessive mold.

Between April 10 and June 24, 1940, the United States attorneys for the Western District of Oklahoma, the District of Idaho, and the District of Oregon filed libels against 575 cases of catsup at Oklahoma City, Okla.; 61 cases of tomato juice and 42 cases of tomato puree at Lewiston, Idaho; 116 cases of tomato juice at Medford, Oreg.; 672 cases of tomato juice and 58 cases of tomato puree at Astoria, Oreg.; and 280 cases of tomato juice and 75 cases of tomato puree at Klamath Falls, Oreg., alleging that the articles had been shipped in interstate commerce within the period from on or about October 8 to on or about December 30, 1939, by the Royal Canning Corporation from Ogden, Utah; and charging that they were adulterated. The catsup was labeled in part: "Little Boy Blue Catsup * * * Distributed by Royal Canning Corporation." The remaining products were labeled in part: "Meco Brand Tomato Puree [or "Royal Club Tomato Juice" or "Royal Club Fancy Tomato Puree"] Packed for Mason Ehrman and Co. * * * Portland, Oregon"; or "Iga Tomato Juice * * * Packed for Independent Grocers' Alliance Distributing Company."

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On June 6, June 22, and August 26, 1940, no claimant having appeared for the various lots of tomato puree and tomato juice, judgments of condemnation were entered and the said products were ordered destroyed. On September 26, 1940, the Royal Canning Corporation having appeared as claimant in the action involving the catsup and having filed an amended answer admitting the allegations of the libel, judgment of condemnation was entered and the catsup was also ordered destroyed.

890. Adulteration of tomato catsup and tomato puree. U. S. v. 67 Cases of Tomato Catsup and 50 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. Nos. 1633, 1634. Sample Nos. 97239-D, 97240-D.)

Both products contained excessive mold indicating the presence of decomposed material. The catsup also contained fragments of insect larvae and other filth resulting from insect infestation.

On March 16, 1940, the United States attorney for the District of Nebraska filed a libel against 67 cases of tomato catsup and 50 cases of tomato puree at Scottsbluff, Nebr., alleging that the articles had been shipped in interstate commerce on or about October 7, 1939, from Delta, Colo., by the Delta Canning Co.; and charging that they were adulterated. The articles were labeled in part: "Town Talk No. 10 Special Hotel Pack Tomato Catsup [or "Tomato Puree"] * * * Packed for the Stone-Hall Co. Denver, Colo."

Both products were alleged to be adulterated in that they consisted wholly or in part of decomposed substances. The catsup was alleged to be adulterated further in that it consisted wholly or in part of a filthy substance.

On June 10, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

891. Adulteration of tomato juice. U. S. v. 23 Cases of Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 1896. Sample No. 13713-E.)

Examination of this product showed that it contained excessive mold.

On April 29, 1940, the United States attorney for the Western District of Washington filed a libel against 23 cases of tomato juice at Everett, Wash., alleging that the article had been shipped in interstate commerce on or about March 21, 1940, by James A. Shealy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Westgift Tomato Juice * * * California Tomato Juice Inc. Merced Calif."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

892. Adulteration of tomato paste. U. S. v. 59 Cases and 99 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 1935, 1943. Sample Nos. 10814-E, 12464-E, 12953-E.)

One shipment of this product contained decomposed material, as indicated by the presence of excessive mold; and the other contained fragments of insects and insect larvae.

On or about May 10, 1940, the United States attorneys for the Northern District of New York and the Southern District of Texas filed libels against 59 cases of tomato paste at Albany, N. Y., and 99 cases of tomato paste at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 19 and 27, 1940, by the Encinal Terminals from Alameda, Calif.; and charging that it was adulterated. It was labeled in part: (Cans) "Firenze * * * Tomato Paste * * * Packed by Turlock Co-operative Growers San Francisco, Calif."

Adulteration was alleged with respect to one lot in that it consisted in whole or in part of a filthy substance, and with respect to the other lot in that it consisted wholly or in part of a decomposed substance.

On July 9 and 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

893. Adulteration of tomato paste. U. S. v. 102 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. D. C. No. 1576. Sample No. 85620-D.)

Samples of this product were found to contain fragments of larvae and other filth resulting from insect infestation.

On March 7, 1940, the United States attorney for the Southern District of New York filed a libel against 102 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by the Ripon Canning Co. from Merced, Calif.; and charging that it was adulterated in that it consisted of a filthy substance. The article was labeled in part: "Norma Brand Pure Tomato Paste * * * Packed in California for Norma Packing Co., New York, N. Y."

On June 28, 1940, the Riverbank Canning Co., Riverbank, Calif., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that any portion thereof which was fit for human consumption be segregated from the unfit portion and that the latter be destroyed.

Nos. 894 to 902 (with the exception of 896 report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material. No. 896 reports the judgment in the criminal action based on the shipment of tomato puree of which the seizure and disposition is reported in No. 897.

894. Adulteration of tomato paste. U. S. v. 276 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1834. Sample No. 72944-D.)

On April 19, 1940, the United States attorney for the District of Rhode Island filed a libel against 276 cases of tomato paste at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 16, 1940, by the Riverbank Canning Co. from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Madonna Fancy Pure Tomato Paste."

On October 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

895. Adulteration of tomato paste. U. S. v. 66 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 1974. Sample No. 6483-E.)

On May 15, 1940, the United States attorney for the District of Colorado filed a libel against 66 cases of tomato paste at Denver, Colo., consigned by Val Vita Products, Inc., alleging that the article had been shipped in interstate commerce on or about March 29, 1940, from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Val Vita Brand Tomato Paste."

On June 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

896. Adulteration of tomato puree. U. S. v. The Beckman & Gast Canning Co. Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. Payment of fine and costs suspended. (F. D. C. No. 946. Sample No. 80508-D.)

On April 1, 1940, the United States attorney for the Northern District of Ohio filed an information against the Beckman & Gast Canning Co., a corporation, St. Henry, Ohio, alleging shipment on or about October 21, 1939, from the State of Ohio into the State of Kentucky, of a quantity of tomato puree which was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Dew Kissed Brand Tomato Puree."

On June 6, 1940, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a sentence of \$100 fine with costs, but suspended payment thereof.

897. Adulteration of tomato puree. U. S. v. 17 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 1186. Sample No. 80508-D.)

On December 14, 1939, the United States attorney for the Eastern District of Kentucky filed a libel against 17 cases of tomato puree at Covington, Ky., alleging that the article had been shipped in interstate commerce on or about October 21, 1939, by the Beckman & Gast Canning Co. from St. Henry, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Dew Kissed Brand, Tomato Puree."

On January 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

898. Adulteration of tomato puree. U. S. v. 75 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 1919. Sample No. 99748-D.)

On or about May 4, 1940, the United States attorney for the District of Nebraska filed a libel against 75 cases of tomato puree at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about October 14, 1939, by the Kaysville Canning Corporation from Barnes, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Kaysville Brand Tomato Puree."

On June 7, 1940, the claimant, Grainger Bros. Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered destroyed.

899. Adulteration of tomato puree. U. S. v. 360 Cases and 90 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 1882. Sample Nos. 16041-E, 16042-E, 16720-E, 16721-E.)

On April 30, 1940, the United States attorney for the Western District of Missouri filed a libel against 450 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped on or about January 27 and January 30, 1940, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Smith Brand Puree * * * Distributed by Smith Canning Co., Clearfield, Utah"; or "Lee Extra Heavy Tomato Puree Distributors the H. D. Lee Mercantile Co., Kansas City, Mo."

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

900. Adulteration of tomato sauce. U. S. v. 24 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1670. Sample No. 92345-D.)

On March 21, 1940, the United States attorney for the Western District of Washington filed a libel against 24 cases of tomato sauce at Port Angeles, Wash., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the American Wholesale Grocery from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Fargo Brand Spanish Style Tomato Sauce Packed for Food Products Co. of America, Chicago, Ill."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

901. Adulteration of tomato sauce. U. S. v. 100 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 1995. Sample No. 13371-E.)

On May 21, 1940, the United States attorney for the District of Oregon filed a libel against 100 cases of tomato sauce at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 24, 1940, by Foster & Wood Canning Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Shurfine Fancy Grade Tomato Sauce, Spanish Style. National Retailer Owned Groceries, Inc., Distributors, Chicago, Ill."

On August 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

902. Adulteration of tomato soup. U. S. v. 249 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. No. 1994. Sample No. 12475-E.)

On May 21, 1940, the United States attorney for the District of Oregon filed a libel against 249 cases of tomato soup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 27, 1940, by the Sunnyvale Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Rancho California Tomato Soup Condensed."

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT PRODUCTS

903. Adulteration of apple butter. U. S. v. 25 Cases of Apple Butter. Default decree of condemnation and destruction. (F. D. C. No. 1645. Sample No. 99748-D.)

This product contained arsenic trioxide and lead in amounts which might have rendered it injurious to health.

On March 28, 1940, the United States attorney for the District of Montana filed a libel against 25 cases of apple butter at Kalispell, Mont., alleging that the article had been shipped on or about October 1, 1935, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained poisonous and deleterious substances, namely, arsenic trioxide and lead, which might have rendered it injurious to health. The article was labeled in part: "Sunny Jim Brand Pure Apple Butter."

On June 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

904. Adulteration and misbranding of jellies. U. S. v. 33 Jars of Apple Blackberry Jelly, 32 Jars of Apple Strawberry Jelly, 19 Jars of Apple Currant Jelly, 42 Jars of Apple Quince Jelly, 57 Jars of Apple Jelly, and 42 Jars of Apple Raspberry Jelly. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institutions. (F. D. C. No. 1558. Sample Nos. 86190-D to 86195-D, incl.)

Samples from all of the above-named jellies were found to contain added artificial color and acid; and the apple quince jelly also contained added artificial flavor. The contents of the jars of apple currant jelly were found to be short of the declared weight.

On or about March 18, 1940, the United States attorney for the District of Connecticut filed a libel against the above-named jellies at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about January 17, 1940, by Palmer Fruit Products, Inc., from Long Island City, N. Y.; and charging that they were adulterated and misbranded. Certain lots were labeled in part: "Spencer Farms Pure Apple Blackberry Jelly [or "Pure Apple Strawberry Jelly," "Pure Apple Currant Jelly," "Pure Apple Jelly," or "Pure Apple Raspberry Jelly"]." One lot was labeled in part: "Pure Apple Quince Jelly, artificial color."

Each of the said jellies was alleged to be adulterated in that damage or inferiority had been concealed by the addition of artificial color and acid and in the case of the apple quince jelly, by the addition of artificial flavor also. Each of the said jellies was alleged to be adulterated further in that acid and artificial color, and in the case of the apple quince jelly, artificial flavor also had been added thereto so as to make it appear better or of greater value than it was.

33
32
19
42
57
42
275

Each of the jellies was alleged to be misbranded in that the following statements were false and misleading as applied to articles containing added acid and artificial color, and in the case of the apple quince jelly artificial flavor also: "Pure Apple Blackberry Jelly"; "Pure Apple Strawberry Jelly"; "Pure Apple Currant Jelly"; "Pure Apple Quince Jelly"; "Pure Apple Jelly"; "Pure Apple Raspberry Jelly." All products were alleged to be misbranded further in that the apple quince jelly contained artificial flavor and the remainder of the jellies contained artificial color, and the labeling did not state those facts.

The apple currant jelly was alleged to be misbranded further in that the statement "Contents 12 Ozs." was false and misleading, since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On April 26, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the products were ordered distributed to charitable institutions.

905. Adulteration of orange jelly. U. S. v. 15, 19, and 2 Cases of Orange Jelly. Default decree of condemnation and destruction. (F. D. C. Nos. 1641, 1642, 1643. Sample Nos. 90432-D, 90433-D, 90434-D.)

Samples of this product were found to contain excessive mold, indicating the presence of decomposed material.

On March 15, 1940, the United States attorney for the Western District of Washington filed a libel against 36 cases of orange jelly at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 19, 1939, by the Val Vita Food Products Co. from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Pure Orange Jelly Calbart Brand."

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

906. Adulteration of blackberry preserves. U. S. v. 16 Cartons of Blackberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 1920. Sample No. 7437-E.)

This product contained mold, indicating the presence of decomposed material.

On May 6, 1940, the United States attorney for the Southern District of California filed a libel against 16 cartons of canned blackberry preserves at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about August 29 and December 21, 1939, by Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On June 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

907. Adulteration and misbranding of peach preserves. U. S. v. 18½ Cases of Peach Preserves. Default decree of condemnation. Product ordered delivered to charitable institution. (F. D. C. No. 1414. Sample No. 65114-D.)

This product was a thick, jelly-like substance consisting of corn sirup, water, acid, and pectin, and only an insignificant amount of fruit.

On January 26, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 18½ cases of peach preserves at Lexington, Ky., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Lutz & Schramm, Inc., from Cincinnati, Ohio; and charging that it was adulterated and misbranded. The labeling bore the words "Peach Preserves" prominently displayed thereon preceded by the words "Imitation Corn Syrup and Fruit Pectin" in small inconspicuous type. The article was labeled further: "Lusco Brand * * * Lusco Food Company Distributors Pittsburgh, Pa. U. S. A."

It was alleged to be adulterated in that a substance, namely a pectin jelly, consisting of corn sirup, water, acid, and pectin, and an insignificant amount of fruit had been substituted wholly or in part for "peach preserves." It was alleged to be adulterated further in that corn sirup, water, acid, pectin, and an insignificant amount of fruit had been mixed in a manner whereby inferiority had been concealed.

The article was alleged to be misbranded in that the name "peach preserves," which was prominently displayed on the label, was false and misleading. It

was alleged to be misbranded further in that it was offered for sale under the name of another food, peach preserves.

On February 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed or that it be delivered to welfare or charitable organizations in lieu of destruction at the discretion of the United States marshal.

DRIED FRUITS

908. Adulteration of prunes. U. S. v. 525 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1894. Sample No. 10491-E.)

This product was in interstate commerce at the time of examination and was found to be insect-infested at that time.

On April 30, 1940, the United States attorney for the Southern District of New York filed a libel against 525 cases of dried prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 19, 1940, by the California Prune & Apricot Growers Association from San Jose, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

909. Adulteration of prunes. U. S. v. 450 Sacks of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1735. Sample Nos. 10406-E, 10497-E.)

This product was in interstate commerce at the time of examination and was found to contain insect larvae and mold.

On April 1, 1940, the United States attorney for the Eastern District of New York filed a libel against 450 sacks, each containing 100 pounds, of dried prunes at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce on or about October 28 and December 1, 1939, by the Winchester Dried Fruit Co. from Campbell, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The product was labeled in part: "Natural Condition Prunes for Manufacturing Purposes."

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

POULTRY

Nos. 910 to 915, inclusive, report the institution of criminal proceedings based on shipments of dressed poultry which was in part the product of diseased and emaciated poultry, and which in some instances also was in part decomposed.

910. Adulteration of poultry. U. S. v. William C. Davis, Mrs. John R. Mott, and Herman Mott (Davis, Mott & Son). Pleas of guilty as to William C. Davis and Herman Mott. Both fined \$50. Judgment of not guilty as to Mrs. John R. Mott. (F. D. C. No. 948. Sample No. 68370-D.)

On April 16, 1940, the United States attorney for the Middle District of Tennessee filed an information against William C. Davis, Mrs. John R. Mott, and Herman Mott, trading as Davis, Mott & Son, at Cookeville, Tenn., alleging shipment on or about October 22, 1939, from the State of Tennessee into the State of New York, of a quantity of poultry which was adulterated.

Adulteration was alleged in that the article was in whole and in part the product of diseased animals.

On June 6, 1940, pleas of guilty were entered by William C. Davis and Herman Mott and the court imposed a fine of \$50 against each; and upon a plea of not guilty by Mrs. John R. Mott, entered judgment of not guilty.

911. Adulteration of poultry. U. S. v. The Fairmont Creamery Co. Plea of guilty. Fine, \$75 and costs. (F. D. C. No. 955. Sample Nos. 85729-D, 85730-D, 85732-D, 85733-D.)

On June 28, 1940, the United States attorney for the District of Nebraska filed an information against the Fairmont Creamery Co., a corporation, trading at Omaha, Nebr., alleging shipment within the period from on or about November 4 to on or about November 24, 1939, from the State of Nebraska into the State of New York, of quantities of poultry which was adulterated.

The article was alleged to be adulterated in that it was in whole and in part the product of diseased animals, namely, diseased poultry. It was alleged

to be adulterated further in that it consisted in part of a decomposed substance, and was in part otherwise unfit for food.

On July 24, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75 and costs.

912. Adulteration of poultry. U. S. v. John Mike Hallren (Hallren Produce). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 947. Sample No. 85737-D.)

On April 11, 1940, the United States attorney for the Western District of Oklahoma filed an information against John Mike Hallren, trading as Hallren Produce at Fairview, Okla., alleging shipment on or about December 2, 1939, from the State of Oklahoma into the State of New York, of a quantity of poultry which was adulterated in that it consisted in whole and in part of the product of diseased animals.

On May 2, 1940, a plea of guilty was entered by the defendant and a fine of \$25 and costs was imposed.

913. Adulteration of poultry. U. S. v. Producers Cold Storage Co. and Carl L. Burt. Pleas of nolo contendere. Fine of \$12.50 imposed on each defendant. (F. D. C. No. 964. Sample No. 68467-D.)

On May 13, 1940, the United States attorney for the Eastern District of Missouri filed an information against the Producers Cold Storage Co., a corporation, Shelbina, Mo., and Carl L. Burt, alleging shipment on or about November 20, 1939, from the State of Missouri into the State of New York of a quantity of poultry which was adulterated.

The article was alleged to be adulterated in that it was in part the product of diseased animals, namely, diseased poultry. It was alleged to be adulterated further in that it was in whole or in part unfit for food since it consisted in whole or in part of diseased and emaciated poultry.

On May 27, 1940, the defendants both entered pleas of nolo contendere and the court imposed a fine of \$12.50 against each.

914. Adulteration of dressed poultry. U. S. v. Producers Produce Co. Plea of guilty. Fine, \$1 and costs. (F. D. C. No. 2069. Sample No. 68466-D.)

On May 19, 1940, the United States attorney for the Western District of Missouri filed an information against the Producers Produce Co., a corporation, Sedalia, Mo., alleging shipment on or about November 25, 1939, from the State of Missouri into the State of New York of a quantity of dressed poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed substance and was otherwise unfit for food, i. e., it consisted in part of diseased, decomposed, and emaciated poultry. It was alleged to be adulterated further in that it was in part the product of diseased animals, i. e., diseased poultry.

On August 3, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1 and costs.

915. Adulteration of dressed poultry. U. S. v. Benjamin Weiner and Julius Weiner (Marshall Produce Co.). Pleas of guilty. Both defendants sentenced to 4 months' imprisonment and a fine of \$400. Prison sentences suspended. (F. D. C. No. 935. Sample No. 68371-D.)

On June 11, 1940, the United States attorney for the District of Minnesota filed an information against Benjamin Weiner and Julius Weiner, trading as the Marshall Produce Co., Marshall, Minn., alleging shipment on or about October 19, 1939, from the State of Minnesota into the State of New York, of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals.

On November 15, 1940, the defendants having entered pleas of guilty, the court sentenced each to 4 months' imprisonment and a fine of \$400, but suspended the prison sentence in the case of both defendants upon payment of the fines.

Nos. 916 and 917 report the seizure and disposition of dressed turkeys which were found to be in whole or in part the product of diseased poultry.

916. Adulteration of dressed turkeys. U. S. v. 1 Barrel of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 1308. Sample No. 86305-D.)

On January 9, 1940, the United States attorney for the Eastern District of New York filed a libel against one barrel of turkeys at Brooklyn, N. Y. (and

an amended libel on January 31, 1940), alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

917. Adulteration of dressed turkeys. U. S. v. 7 Barrels of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 1309. Sample Nos. 86306-D, 86307-D, 86308-D.)

On January 8, 1940, the United States attorney for the Eastern District of New York filed a libel against seven barrels of dressed turkeys at Brooklyn, N. Y. (and an amended libel on January 31, 1940), alleging that the article had been shipped in interstate commerce on November 17 and November 21, 1939, by the Pruitt Produce Co. from Ardmore, Okla., and Sherman, Tex.; and charging that it was adulterated in that it was in whole or in part of the product of diseased animals.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUT PRODUCTS

PEANUT BUTTER

918. Adulteration of peanut butter. U. S. v. 366 Cases and 159 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1534, 2029. Sample Nos. 61567-D to 61570-D, incl., 5892-E.)

Samples of this product were found to contain sand and dirt.

On February 28 and May 24, 1940, the United States attorneys for the Southern District of Mississippi and the Eastern District of Kentucky filed libels against 366 cases of peanut butter at Gulfport, Miss., and 159 cases of the product at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, and January 17, 1940, by the J. D. Johnston, Jr., Co., from Brundidge, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part: "Johnston's * * * Peanut Butter."

On June 4 and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

919. Adulteration of peanut butter. U. S. v. 26 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1924. Sample No. 20539-E.)

This product contained rodent hairs, rodent excreta, insect fragments, and dirt.

On May 9, 1940, the United States attorney for the Northern District of Georgia filed a libel against 26 cases of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by Myers & Hicks Co. of Baltimore, Md., from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tins) "Producers Jo-Jo Brand Peanut Butter * * * Producers Peanut Co., Inc. Suffolk, Virginia."

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

920. Adulteration and misbranding of peanut butter. U. S. v. 60 Cases and 20 Cases of Peanut Butter (and 5 other seizures of peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 1921, 1959, 1976, 1984, 1990, 1991. Sample Nos. 2273-E, 14323-E, 14325-E, 20205-E to 20208-E, incl.)

This product was found to contain dirt. Samples taken from 3 of the shipments were also found to contain rodent hairs or insect fragments, or both. The 1-pound size in one of the shipments was short weight.

Between May 10 and May 20, 1940, the United States attorneys for the District of Rhode Island, the Eastern District of Pennsylvania, and the Western District of South Carolina filed libels against 80 cases of peanut butter at Providence, R. I.; 25 drums at Phoenixville, Pa.; 29 cases at Greenville, S. C.; 180 cases at Pickens, S. C.; and 45 cases at Seneca, S. C., alleging that the article had been shipped in interstate commerce by the Producers Peanut Co., Inc., from Suffolk, Va., within the period from on or about February 21 to on or about May 4, 1940; and charging that it was adulterated, and that one lot was also

misbranded. It was labeled variously: "Jo-Jo P-Nut Butter"; "Producers Jo-Jo Brand Peanut Butter * * * Producers Peanut Co. Inc. Suffolk, Va."; or "Melton Pure Peanut Butter Distributed by Brownell & Field Co. Providence."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The 1-pound size seized at Pickens, S. C., was alleged to be misbranded in that the statement "net wt. 1 lb." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

Between June 5 and July 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

921. Adulteration and misbranding of peanut butter. U. S. v. 49 Cases and 18 Cases of Peanut Butter (and 1 other seizure action involving peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 1811, 1812. Sample Nos. 2246-E, 2817-E, 2818-E.)

The product in one of these shipments was found to contain sand and clay and that in the other shipment was found to contain insect fragments, rodent excreta, hairs, and dirt. The 2-pound jars in the latter shipment were also short weight.

On April 15 and 19, 1940, the United States attorneys for the District of Massachusetts and the District of Rhode Island filed libels against 67 cases of peanut butter at Boston, Mass., and 133 jars of peanut butter at Woonsocket, R. I., alleging that the article had been shipped in interstate commerce within the period from on or about September 19, 1939, to on or about February 21, 1940, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated and that a portion was also misbranded. The article was labeled in part: "Lily Brand Peanut Butter 32 [or "16" or "8"] Ozs. Net [or "Net Wt. 2 lb."]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

One lot was alleged to be misbranded in that the statement on the label, "32 Ozs. Net," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 16 and 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

922. Misbranding of peanut butter. U. S. v. 147, 235, and 93 Cases of Peanut Butter. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 1835. Sample No. 731-E.)

This product was short weight.

On April 19, 1940, the United States attorney for the Western District of North Carolina filed a libel against 475 cases of peanut butter at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about March 22, 1940, by Castleberry's Food Co. from Augusta, Ga.; and charging that it was misbranded. It was labeled in part: "Castleberry's Peanut Butter * * * Net Weight 2 Lb. [or "1 Lb." or "8 Oz."]."

It was alleged to be misbranded in that the statements on the label, "Net Weight 2 Lb.," "Net Weight 1 Lb.," and "Net Weight 8 Oz.," were false and misleading in that they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 1, 1940, Castleberry's Food Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

923. Misbranding of peanut butter. U. S. v. 24 Cartons of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1107. Sample No. 78536-D.)

This product was short of the declared weight.

On December 5, 1939, the United States attorney for the Southern District of West Virginia filed a libel against 24 cartons of peanut butter at Mabscott, W. Va., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was misbranded. It was labeled in part: "Golden Tint Brand Peanut Butter."

The article was alleged to be misbranded in that the statements, (carton) "12 Oz." (jars) "12 Ozs. Net Weight," were false and misleading since the average net weight found was 11.53 ounces; it was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On January 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 13, 1940, the decree was amended to provide for distribution of the product to a charitable institution.

SACCHARINE PRODUCTS

CANDY

924. Adulteration of candy. U. S. v. 77 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2537. Sample No. 36934-E.)

Samples of this product were found to contain rodent hairs and rodent excreta.

On August 16, 1940, the United States attorney for the District of Rhode Island filed a libel against 77 boxes of candy at Woonsocket, R. I., alleging that the article had been shipped in interstate commerce on or about July 3, 1940, by the Chardon Chocolates Co. from Boston, Mass.; and charging that it was adulterated. It was labeled in part: "Cavalcade Package * * * Assorted Chocolates * * * Mfd. for Chardon Chocolates Co. Belmont, Mass."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

925. Adulteration of candy. U. S. v. 25 Cases and 2 Cases of Candy. Consent decrees of condemnation and destruction. (F. D. C. Nos. 2384, 2404. Sample Nos. 16138-E, 16139-E, 16766-E.)

Samples taken from both these lots of candy were found to contain rodent hairs and those taken from one of the lots were also found to contain insect fragments.

On July 17 and 23, 1940, the United States attorney for the District of Kansas filed libels against 25 cases of candy at Topeka, Kans., and 2 cases of candy at Hutchinson, Kans., alleging that the article had been shipped in interstate commerce on or about May 23 and June 24, 1940, by the Chase Candy Co. from St. Joseph, Mo.; and charging that it was adulterated. The article was labeled in part variously: "Orange Slices," "Chocolate Dipped Peanuts," or "Carnival Squares."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 22 and August 6, 1940, the intervenors having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed.

926. Adulteration of candy. U. S. v. 2 Cans of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2527. Sample No. 16152-E.)

Samples of this product were found to contain rodent hairs, human hairs, and insect fragments.

On August 13, 1940, the United States attorney for the District of Nebraska filed a libel against two cans of candy at Grand Island, Nebr., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by the Crane Chocolate Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Crane's 50# Minted Lime Crisp."

On October 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

927. Adulteration of candy. U. S. v. 4 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2383. Sample No. 9948-E.)

Samples of this product were found to contain rodent hairs.

On July 18, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against four cases of lemon drops at New Orleans,

La., alleging that the article had been shipped in interstate commerce on or about June 11, 1940, by the Crown Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

928. Adulteration of candy. U. S. v. 12 Packages and 24 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 2485. Sample Nos. 20075-E, 20249-E.)

Samples of this product were found to be insect-infested and to contain rodent hairs and rodent excreta.

On or about August 7, 1940, the United States attorney for the Southern District of Georgia filed a libel against 12 packages and 24 boxes of peanut bars at Brunswick, Ga., alleging that the article had been shipped in interstate commerce on or about July 15 and 25, 1940, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "5¢ Dillon's Peanut Bar."

On September 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

929. Adulteration of candy. U. S. v. 114 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2434. Sample No. 2823-E.)

Samples of this product were found to contain rodent hairs and rodent excreta.

On July 26, 1940, the United States attorney for the District of Maine filed a libel against 114 boxes of candy at Portland, Maine, alleging that the article had been shipped on or about July 5, 1940, by D'Orlando & Co. from Boston, Mass.; and charging that it was adulterated. It was labeled in part: "Kenwyn Chocolate Cordial Cherries * * * Packed Expressly For Prospect Chocolate Co. Boston, Mass."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

930. Adulteration of candy. U. S. v. 34 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1938. Sample No. 13653-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On May 11, 1940, the United States attorney for the Eastern District of Washington filed a libel against 34 cartons of candy at Wenatchee, Wash., alleging that the article had been shipped in interstate commerce on or about December 5, 1938, by the Euclid Candy Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Nut Roll."

On June 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

931. Adulteration of candy. U. S. v. 24 Cartons and 5 Cartons of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 2522, 2523. Sample Nos. 359-E, 20423-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain rodent hairs and insect fragments.

On August 12 and 14, 1940, the United States attorneys for the Western District of North Carolina and the Western District of South Carolina filed libels against 24 cartons of candy at Charlotte, N. C., and 5 cartons at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about July 22, 1940, by the Johnson-Fluker Co. from Atlanta, Ga.; and charging that it was adulterated. It was labeled in part: "M. M. Peanuts Small" or "Daisy Mixture."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 20 and 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

932. Adulteration of candy. U. S. v. 14 Boxes and 20 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. No. 1933. Sample Nos. 8112-E, 8113-E.)

Samples taken from both shipments of this product were found to contain rodent hairs, and those taken from one of the shipments were also found to contain insect fragments.

On May 7, 1940, the United States attorney for the District of Minnesota filed libels against 34 boxes of candy at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about November 24, 1939, and March 15, 1940, by the Northwestern Candy Co. from Des Moines, Iowa; and charging that it was adulterated. It was labeled in part: "Jacobson's Dairy Maid Pecan Cake"; or "Dairy Maid * * * Maple [or "Cherry" or "Vanilla"]."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On June 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

933. Adulteration of candy. U. S. v. 51 Cases of Candy (and 2 other seizures). Default decrees of condemnation and destruction. (F. D. C. Nos. 2186, 2187, 2188. Sample Nos. 15528-E, 15530-E, 15531-E.)

Samples of this product were found to contain rodent excreta, rodent hairs, and insect fragments.

On June 12, 1940, the United States attorney for the Northern District of Mississippi filed libels against 51 cases of candy at Corinth, Miss.; 50 cases at New Albany, Miss.; and 25 cases at Ripley, Miss., alleging that the article had been shipped in interstate commerce by the Oliver-Finnie Co. from Memphis, Tenn., within the period from on or about April 29 to on or about May 4, 1940; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance unfit for food; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Silver Moon Candies."

On August 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

934. Adulteration of candy. U. S. v. 43 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2301. Sample Nos. 5496-E, 5497-E.)

Samples taken from both of these lots of candy were found to contain rodent hairs, and those taken from one lot were also found to contain insect fragments.

On June 28, 1940, the United States attorney for the Western District of Kentucky filed a libel against 43 cases of candy at Louisville, Ky., alleging that the article had been shipped in interstate commerce within the period from on or about April 19 to on or about June 16, 1940, by the Paris Candy Co. from Paris, Tex.; and charging that it was adulterated. It was labeled in part: "Dixie-Twist Lemon Candy"; or "Wintergreen Candy."

The article was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth; and in that it consisted in whole or in part of a filthy substance.

On October 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

935. Adulteration of candy. U. S. v. 52 Cartons and 76 Boxes of Candy. Default decrees of condemnation and destruction. (F. D. C. Nos. 2055, 2328. Sample Nos. 9540-E, 9889-E, 9890-E.)

Samples of this product were found to contain rodent and human hairs and insect fragments.

On June 1 and July 5, 1940, the United States attorneys for the Southern and the Western Districts of Texas filed libels against 52 cartons of candy at Houston, and 76 boxes at San Antonio, Tex., alleging that the article had been shipped in interstate commerce by the Pelican State Candy Co. from New Orleans, La., on or about March 21 and June 18, 1940; and charging that it

was adulterated. It was labeled in part: "Mint American Beauty Sticks"; or "Brazil Nut Fudge."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 15 and October 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

936. Adulteration of candy. U. S. v. 69 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2416. Sample No. 20248-E.)

Samples of this product were found to contain rodent hairs and insect fragments.

On July 25, 1940, the United States attorney for the Northern District of Georgia filed a libel against 69 boxes of candy at Gainesville, Ga., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by Schoenith, Inc., from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

937. Adulteration of candy. U. S. v. 60 Cartons of Candy (and one other seizure action against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1836, 2282. Sample Nos. 4676-E, 4677-E, 13858-E, 13858-E, 13861-E to 13864-E. incl.)

Samples taken from this product were found to contain rodent hairs, human hairs, cat hairs, and insect fragments.

On April 22 and July 1, 1940, the United States attorneys for the Northern District of Illinois and the District of Oregon filed libels against 68 cartons of candy at Chicago, Ill., and 762 cartons and 39 cases of candy at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about January 11 to on or about February 27, 1940, by the United Drug Co. from St. Louis, Mo.; and charging that it was adulterated. Portions were labeled variously: "Joan Manning Assorted Chocolates [or "Liggett's Original Assorted Chocolates" or "Stafford Arms Assorted Chocolates"] Gales Chocolate Company, Boston, Mass." The remaining lots were labeled variously: "Homemaid Chocolate Peppermint Patties [or "Assorted Chocolates Vincents" or "Fenway Chocolate Covered Cherries"] Horton of Boston, Inc. Boston, Mass."

The article was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth; and in that it consisted in whole or in part of a filthy substance.

On August 8 and September 12, 1940, no claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

938. Adulteration of jelly beans. U. S. v. 49 Boxes of Jelly Beans. Default decree of condemnation and destruction. (F. D. C. No. 2308. Sample No. 11057-E.)

Samples of this product were found to contain rodent hairs, splinters, and non-descript dirt.

On or about July 5, 1940, the United States attorney for the Southern District of Texas filed a libel against 49 boxes of jelly beans at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about May 8, 1940, by the Two Star Confectionery Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On August 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

939. Adulteration and misbranding of candy. U. S. v. 12 Boxes and 11 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2497. Sample No. 20078-E.)

Samples taken from this product were found to contain rodent hairs and insect fragments. A portion was unlabeled and was therefore misbranded because of failure to comply with the labeling requirements of the law.

On or about August 13, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 23 boxes of bar candy at Orangeburg, S. C., alleging that the article had been shipped in interstate commerce on or about July 14, 1940, by Jack's Cookie Co. from Charlotte, N. C.; and charging that it was adulterated and misbranded. A portion of the product was labeled in part: (Wrapper) "Eat More King's Royal Mellow Bars * * * King's Candy Company Charlotte, N. C."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The unlabeled portion was alleged to be misbranded in that it was in package form and did not bear the name and place of business of manufacturer, packer, or distributor; and did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear a label containing the common or usual name of each such ingredient. It was alleged to be misbranded further in that it bore or contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On September 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

940. Adulteration and misbranding of candy. U. S. v. 4 Cases and 10 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2559. Sample Nos. 20903-E, 20904-E.)

Samples of this product were found to contain rodent hairs and insect fragments. Moreover, its labeling failed to bear the name of each of the ingredients from which it was made.

On August 22, 1940, the United States attorney for the Western District of North Carolina filed a libel against 14 cases of candy labeled "Peanut Squares" at Asheville, N. C., alleging that the article had been shipped in interstate commerce on or about July 2 and July 30, 1940, by the McAfee Candy Co. from Macon, Ga.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

On September 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

941. Adulteration and misbranding of candy. U. S. v. 43 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2509. Sample No. 156-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be adulterated in that it contained rodent hairs and insect fragments. It was unlabeled and was therefore misbranded because of failure to comply with the labeling requirements of the law.

On August 8, 1940, the United States attorney for the Middle District of Georgia filed a libel against 43 cartons of candy at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about July 24, 1940, by the Quincy Candy Co. from Quincy, Fla.; and charging that it was adulterated and misbranded.

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that it was in package form but did not bear a label containing the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear a label stating the common or usual name of each of such ingredients; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On September 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

942. Adulteration and misbranding of candy. U. S. v. 62 Boxes of Candy. Decree of condemnation and destruction. (F. D. C. No. 2036. Sample No. 15105-E.)

Samples of this product were found to contain rodent hairs and rodent excreta. It was also short of the declared weight.

On May 31, 1940, the United States attorney for the Western District of Tennessee filed a libel against 62 boxes of candy at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by the Mills Napper Candy Co. from Malden, Mo.; and charging that it was adulterated and misbranded. This shipment consisted of goods returned to the Thomas Bros. Candy Co., Memphis, Tenn. The article was labeled in part: "5 Cent Truck'n * * * Thomas Bros. Candy Co., Memphis, Tenn. Net Weight 3 $\frac{2}{3}$ ozs. or Over."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Net Weight 3 $\frac{2}{3}$ ozs." was false and misleading since the statement was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

943. Misbranding of candy. U. S. v. 24 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2341. Sample No. 14858-E.)

This product was misbranded because of shortage from the declared weight and failure of the labeling to comply with certain labeling requirements, as indicated below.

On July 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 24 boxes of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Phoenix Candy Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Eastern Candy Co. * * * Philadelphia, Pa. Assorted Salt Water Taffy 20 Lbs. Net. From Phoenix Candy Co."

It was alleged to be misbranded in that the statement "20 Lbs. Net" was false and misleading since the statement was not correct; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each of such ingredients.

On July 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

944. Misbranding of candy. U. S. v. 1,042 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. Nos. 1945, 1946. Sample Nos. 14177-E to 14180-E, incl.)

These candies were contained in packages labeled "1 $\frac{1}{2}$ Ounce," "1 $\frac{1}{2}$ Oz," and "1 $\frac{1}{2}$ Lb.," respectively. In the half-ounce packages and in one lot of the 1 $\frac{1}{2}$ -ounce packages the candy occupied about one-half the volume of the boxes. In the other 1 $\frac{1}{2}$ -ounce packages the candy occupied not more than one-fourth of the volume of the boxes. The half-pound boxes each contained two layers of loosely packed candy, the top containing 17 pieces and the bottom 11 pieces of about the same size. These boxes had extension tops and bottoms, and each of them could probably have held a pound if packed in the usual manner.

On May 10, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,042 packages of candy at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 25 and 30, 1940, by the Marvel Novelty Co. from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part, variously: "Jumbo Package"; "Dollyan Package"; "Supreme Superfine Confection"; or "Sunrise Assorted Sweets."

On June 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

945. Misbranding of candy. U. S. v. 34 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 798. Sample No. 75698-D.)

This candy occupied less than one-half the available space in the box.

On October 24, 1939, the United States attorney for the Eastern District of Tennessee filed a libel against 34 cartons, each containing 200 boxes, of candy at Knoxville, Tenn., alleging that the article had been shipped in interstate commerce on or about October 2 and 5, 1939, by Marvel Candy & Novelty Co. from New York, N. Y.; and charging that the article was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Jumbo Package."

On January 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

946. Misbranding of candy. U. S. v. 81, 42, and 41 Boxes of Candy. Default decrees ordering product destroyed or distributed to charitable institutions. (F. D. C. No. 1548. Sample Nos. 91234-D, 91235-D, 91236-D.)

One lot of this product was loosely packed in flat cardboard cartons with extension edges and cardboard dividers. A second lot was in cartons each containing 2 layers, with 18 pieces in the top layer and only 12 pieces in the bottom layer, separated by cardboard dividers. In the third lot, the boxes had extension edges and a cardboard insert about $\frac{1}{2}$ inch wide at each end; there were two layers of candy, the lower layer being loosely packed because of cardboard dividers.

On February 29, 1940, the United States attorney for the District of Minnesota filed libels against 164 boxes of candy at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce within the period from on or about September 29, 1939, to on or about January 9, 1940, by the Boulevard Candy Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part variously: "Coronet Assorted Sweets"; "Boulevard Creamed Brazil Nuts"; or "Moderne Chocolates."

On August 13, 1940, no claimant having appeared, judgments were entered nunc pro tunc as of April 11, 1940, condemning the product but ordering that it might be delivered to a charitable institution in lieu of destruction.

947. Misbranding of candy. U. S. v. 111 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2283. Sample No. 30801-E.)

Examination showed that this candy was wrapped in paper with unnecessarily long twisted ends, and that if packed without the use of an unnecessary amount of paper, it would have occupied less than 70 percent of the space in the container. It also was short of the declared weight.

On June 29, 1940, the United States attorney for the Northern District of Indiana filed a libel against 111 boxes of candy at Gary, Ind., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by the Casey Concession Co. from Chicago Ill.; and charging that it was misbranded. It was labeled in part: "Mrs. Murray's * * * Creamy Caramelletes Net Weight 10 Ozs."

It was alleged to be misbranded in that the statement "Net Weight 10 Ozs." was false and misleading in that it was not correct, and in that it was in package form and the package did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On August 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

948. Misbranding of candy. U. S. v. 78 Cases of Candy. Default decree of condemnation. Product ordered sold to a charitable organization. (F. D. C. No. 1125. Sample No. 61177-D.)

The boxes in which this product was packed contained two layers of chocolate-covered cherries in individual paper cups; the upper layer contained 12 pieces and the lower layer only 8 pieces. The net weight was less than 1 pound, the weight declared on the label.

On February 28, 1940, the United States attorney for the Northern District of Texas filed a libel against 78 cases of candy at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 20, 1939, by Hollander, Inc., from Holland, Mich.; and charging that it was misbranded. It was labeled in part: "Van Der Zee Holland Michigan Chocolate Covered Cherries, Van Dyke Package."

The article was alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement "One Pound Net" was false and misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 10, 1940, the decree was amended to permit the sale of the product at a nominal price to a charitable organization which was directed to distribute a part of it without cost to various welfare agencies.

MAPLE SIRUP

949. Adulteration of maple sirup. U. S. v. 4 Drums of Maple Sirup. Default decree of condemnation. Product ordered destroyed and containers salvaged. (F. D. C. No. 1996. Sample No. 14586-E.)

This product contained lead.

On May 21, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against four drums of maple sirup at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about October 31, 1939, by De Witt Grocery Co. from Brattleboro, Vt.; and charging that it was adulterated in that it contained a poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On June 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the sirup be destroyed and that the drums be returned to the shipper.

SPICES

950. Misbranding of celery seed and mustard seed. U. S. v. 17 Cases of Celery Seed and 13½ Cases of Mustard Seed. Default decree of condemnation and destruction. (F. D. C. No. 1764. Sample Nos. 73127-D, 73128-D.)

The celery seed occupied on an average of only 48 percent and the mustard seed occupied less than 60 percent of the capacity of the cartons in which they were packed.

On April 5, 1940, the United States attorney for the Western District of Washington filed a libel against 17 cases of celery seed and 13½ cases of mustard seed at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about July 13 and 27, 1939, by McClintock Stern Co., Inc., from San Francisco, Calif.; and charging that they were misbranded in that the containers were so made, formed, or filled as to be misleading. The articles were labeled in part: (Carton) "Whole Celery [or "Whole Mustard"] * * * Shurfine Brand National Retailer-Owned Grocers, Inc. Distributors Chicago, Illinois."

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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PRODUCTS

	N. J. No.		N. J. No.
Apple(s)-----	810-817	Haddock, frozen-----	802
butter-----	903	Huckleberries-----	868-873
Apricots canned-----	875-877	Jellies-----	904, 905 ✓
Blueberries-----	818-867	Lemon juice-----	701
Butter-----	716-799	Macaroni products-----	706-709
packing stock-----	727	Mackerel, canned-----	803
Candy-----	924-948	Maple sirup-----	949
Celery seed-----	950	Mustard seed-----	950
Cereal products-----	702-709	Noodles-----	709
Cod-liver oil, feed containing-----	713	Peaches, canned-----	877
Corn meal-----	705	Peanut butter-----	918-923 ✓
Cottonseed meal-----	710	Peas, canned-----	878
Crab meat-----	801	Perch, frozen-----	804, 805
Dairy products-----	716-799	Potatoes-----	874
Eggs, frozen-----	800	Poultry-----	910-917
Feed-----	710-715	Preserves-----	906, 907 ✓
Fish roe-----	809	Prunes-----	908, 909
Fisheries products-----	801-809	Redfish, frozen. See Perch, frozen.	
Flour-----	702-704	Rye flour-----	704
rye-----	704	Saccharine products-----	924-949
Fruit(s) and vegetable(s)-----	810-909	Salt blocks-----	714, 715
canned-----	875-880	Sardines, canned-----	806
dried-----	908, 909	Shorts, gray, and screenings-----	711, 712
fresh-----	810-873	Sole, frozen-----	805
juice-----	701, 888, 889, 891	Soup-----	902
products-----	881-907	Spaghetti-----	707, 708
tomatoes and tomato products-----	880-902	Spices-----	950

	N. J. No.	Tomato(es)—Continued.	N. J. No.
Sterling Premix-----	713	puree-----	889, 890, 896-899
Sweetpotatoes, canned-----	879	sauce-----	900, 901
Tomato(es)-----	880-902	soup-----	902
canned-----	880	Tuna, canned-----	807, 808
catsup-----	881-890	Turkeys-----	916, 917
juice-----	888, 889, 891	Vegetables. See Fruits and vegetables.	
paste-----	892-895		

SHIPPERS, PROCESSORS, AND DISTRIBUTORS

Adams Chapman Co. :		Burt, C. L. :	
blueberries-----	861	poultry-----	913
Ahlers, Carl, Inc. :		Busalacchi Bros. :	
butter-----	757	haddock, frozen-----	802
Albers Bros. Milling Co. :		Byrnes & Schuhmann, Inc. :	
corn meal-----	705	butter-----	728
Albin Creamery Co. :		Caldwell, A. W. :	
butter-----	733	blueberries-----	822
Albor, M. :		California Conserving Co., Inc. :	
huckleberries-----	868	tomato catsup-----	886
Altemose Bros. :		California Prune & Apricot Growers	
blueberries-----	819	Assoc. :	
American Poultry & Provision Co. :		prunes-----	908
butter-----	745	California Tomato Juice, Inc. :	
American Stores Co. :		tomato juice-----	891
spaghetti-----	708	Camp, Wm. A., & Co. :	
American Wholesale Grocery :		tuna, canned-----	808
tomato sauce-----	900	Carbondale Mountain Huckleberry	
Andersen Creamery :		Farms :	
butter-----	734	blueberries-----	864
Anderson Creamery Co. :		Carpenter Cook Co. :	
butter-----	735	tomato catsup-----	881
Andrews & Knowles :		Casey Concession Co. :	
blueberries-----	820	candy-----	947
Aneta Creamery. See Aneta Cream-		Castleberry's Food Co. :	
ery & Produce Co.		peanut butter-----	922
Aneta Creamery & Produce Co. :		Chardon Chocolates Co. :	
butter-----	736	candy-----	924
Anthony Macaroni & Cracker Co., Inc. :		Charney, John :	
macaroni products-----	707	blueberries-----	823
Anthony Macaroni & Pretzel Co., Inc. :		Chase Candy Co. :	
macaroni products-----	707	candy-----	925
Arena, V., & Sons, Inc. :		Cheever, C. E. :	
noodles-----	709	blueberries-----	824
Armour Creameries :		Chesapeake Dairy Products Co., Inc. :	
butter-----	720	butter-----	717
Arrow Creamery :		Clinton Creamery Co. :	
butter-----	737	butter-----	744
Ashley Creamery :		Cohn, Samuel :	
butter-----	738	blueberries-----	825
Auxier, Floyd :		Colwell, A. W., & Co. :	
apples-----	810	huckleberries-----	870
Baldwin Creamery Co. :		Colwell, J. F. :	
butter-----	739	huckleberries-----	871
Ball, F. M., & Co. :		Commercial Creamery Co. :	
tomato catsup-----	882	butter-----	745
Barrett Cooperative Creamery Co. :		Cooperative Farmers Creamery :	
butter-----	730	butter-----	746
Beardsley Creamery Co. :		Covell Higby Co. :	
butter-----	740	potatoes-----	874
Beatrice Creamery Co. :		Crane Chocolate Co. :	
butter-----	741, 766	candy-----	926
Beckman & Gast Canning Co. :		Crouch, A. T., Creamery Co. :	
tomato puree-----	896, 897	butter-----	747
Beebe, J. E. :		Crown Butter Co. :	
apples-----	811	butter-----	723
Bell, J. W. :		Crown Candy Co. :	
butter, packing stock-----	727	candy-----	927
Bickley, A. F., & Son :		Cudahy Packing Co. :	
butter-----	717, 784	butter-----	726, 793
Bob White Frosted Foods Corporation :		Curtis & Co., Inc. :	
blueberries-----	818	blueberries-----	858
Boulevard Candy Co. :		Dairy & Poultry Coop., Inc. :	
candy-----	946	butter-----	751
Bounds, George A., & Co. :		Dairymen's Co-op Creamery of Boise	
sweetpotatoes, canned-----	879	Valley :	
Bowser Sales & Trading Corporation :		butter-----	748
butter-----	716	D'Antoni, Romano :	
Box Elder Packing Corporation :		huckleberries-----	869
tomato catsup-----	883	Dauber Bros. :	
Boyer, Charles :		butter-----	743
blueberries-----	821	Davis, Mott & Son :	
Brooten Cooperative Creamery Assoc. :		poultry-----	910
butter-----	742	Davis, W. C. :	
Brownell & Field Co. :		poultry-----	910
peanut butter-----	920	Delta Canning Co. :	
Burch, W. A., Co. :		tomato products-----	890
butter-----	743		

	N. J. No.		N. J. No.
De Witt Grocery Co.:		Great Atlantic & Pacific Tea Co.:	
maple sirup -----	949	butter -----	746, 764, 780, 781, 783, 794
Dillon Candy Co.:		Greenspan Bros.:	
candy -----	928	peas, canned -----	878
Dillon, Paul R., Co., Inc.:		Griggs County Creamery Co.:	
butter -----	754	butter -----	762
D'Orlando & Co.:		Gross Bros. Flour Co., Inc.:	
candy -----	929	flour -----	702
Dougherty, C. J.:		Guarantee Veterinary Co.:	
huckleberries -----	872	salt blocks -----	714
Dreher Pickle Co.:		Gude Bros. Kieffer Co.:	
tomato catsup -----	881	butter -----	730
Dulaney, John H., & Son:		Gulick, J. J.:	
blueberries -----	818	blueberries -----	830
Eastern Candy Co.:		Haldeman, J. G., & Bro.:	
candy -----	943	butter -----	789
Ellendale Creamery Association:		Hallren, J. M.:	
butter -----	749	poultry -----	912
El Reno Poultry & Egg Co.:		Hallren Produce:	
butter -----	750	poultry -----	912
Emery, George:		Harp, O. G., Poultry & Egg Co.:	
blueberries -----	826	turkeys -----	916
Encinal Terminals:		Heinzelman, H. R.:	
tomato paste -----	892	blueberries -----	831
Equity Union Creameries, Inc.:		Hellerick, Frank, Co., Inc.:	
butter -----	751	butter -----	733, 785
Euclid Candy Co.:		Hemet Packing Co.:	
candy -----	930	apricots, canned -----	875
Fain, Carl:		Henry & Close, Inc.:	
apples -----	812	haddock, fillets -----	802
Fairmont Creamery Co.:		Herold Gearon Co., Inc.:	
butter -----	718	butter -----	796
poultry -----	911	Heron Lake Cooperative Creamery:	
Farmers Cooperative Creamery:		butter -----	763
butter -----	752-755	Heyd, C. G., & Co.:	
Farmers Cooperative Creamery Assoc.:		butter -----	735, 736, 772
butter -----	756	Hitchings, E. A., & Co.:	
Farmers Creamery:		crab meat -----	801
butter -----	752	Hitchings, E. P.:	
Farmers Mutual Cooperative Creamery:		crab meat -----	801
butter -----	757	Hitchings, V. D.:	
Farmers' Union Cooperative Creamery:		crab meat -----	801
butter -----	758, 759	Hollander, Inc.:	
Fatula Bros.:		candy -----	948
blueberries -----	827	Horton of Boston, Inc.:	
Festa, Joseph:		candy -----	937
blueberries -----	828	Housley, Doyal:	
First National Stores:		apples -----	813
butter -----	755	Hudock, Anna:	
Food Products Co. of America:		blueberries -----	832
tomato sauce -----	900	Hulburt's Fruit Products, Inc.:	
Ford, R. S.:		lemon juice -----	701
huckleberries -----	872	Hunter, Walton & Co.:	
Fortgang Bros.:		butter -----	761, 765, 773, 788, 799
butter -----	737	Independent Grocers' Alliance Distributing Co.:	
Foster & Wood Canning Co.:		macaroni -----	706
tomato sauce -----	901	tomato juice -----	889
Fox, Peter, Sons Co.:		Insley & Mitchell:	
butter -----	747, 750, 797	sweetpotatoes, canned -----	879
Frazier Packing Corporation:		Interior Grocery Co.:	
tomato catsup -----	881	tomato catsup -----	885
Freach, M.:		Isaly's Creamery Products, Inc.:	
blueberries -----	829	butter -----	731
Frederick City Packing Co.:		Jack's Cookie Co.:	
peas, canned -----	878	candy -----	939
French Bauer, Inc.:		Jacobsen, L. J.:	
butter -----	719	butter -----	732
Gales Chocolate Co.:		Jerome, J. D.:	
candy -----	937	blueberries -----	833
General Mills, Inc.:		Johnson-Fluker Co.:	
wheat gray shorts and screenings -----	711	candy -----	931
Generv Stevens Co.:		Johnston, J. D., Jr., Co.:	
butter -----	741	peanut butter -----	918
Geneva Village Creamery Association:		Karsten & Sons:	
butter -----	749	butter -----	774
Glen Ullin Creamery:		Kaysville Canning Corporation:	
butter -----	760	tomato puree -----	898
Gold Medal Dairies:		King's Candy Co.:	
eggs, frozen -----	800	candy -----	939
Goodrich Creamery Co.:		Klossner Creamery Co.:	
butter -----	761	butter -----	764
Gorton-Pew Fisheries Co., Ltd.:		Knapp Creamery:	
perch, frozen -----	804	butter -----	765
Goyert & Vogel Co.:		Kostick Bros.:	
butter -----	786	blueberries -----	834, 859

	N. J. No.		N. J. No.
Kramer, J. R., Inc.:		Mills Napper Candy Co.:	
butter-----	744, 762, 777, 792	candy-----	942
Kroger Grocery & Baking Co.:		Minor, D. D.:	
butter-----	769	blueberries-----	845
Kruger Dairy Products Co.:		Miraldo, Dominic:	
butter-----	766	blueberries-----	846, 847
Kundrack, M.:		Molina, A.:	
blueberries-----	835	blueberries-----	848
Kurt Bros.:		Moss, H. B.:	
blueberries-----	836	apples-----	814
La Buda, Paul:		Mott, Herman:	
blueberries-----	837	poultry-----	910
Land O'Hills Creamery Co.:		Mott, Mrs. J. R.:	
butter-----	716	poultry-----	910
Langenfeld Dairy Products Co.:		Murphy Butter & Egg Co.:	
butter-----	767	butter-----	728
Lee, H. D., Mercantile Co.:		Myers & Hicks Co.:	
tomato puree-----	899	peanut butter-----	919
Lerned, W. H., & Sons:		Napoleon Creamery:	
butter-----	782	butter-----	778
Leskin, J. J.:		National Retailer-Owned Groceries,	
blueberries-----	838	Inc.:	
Le Sueur Creamery Co.:		celery seed-----	950
butter-----	768	mustard seed-----	950
Lewis-Mears Co.:		tomato sauce-----	901
butter-----	749	New England Dairies, Inc.:	
Lombardo, John:		butter-----	779
blueberries-----	839	New Sweden Creamery Association:	
Lowenfels, F. F., & Son:		butter-----	780
butter-----	756, 758, 759, 798	Noack, H. M., & Sons:	
Lusco Food Co.:		butter-----	781
preserves-----	907	Norma Packing Co.:	
Lutz & Schramm, Inc.:		tomato paste-----	893
preserves-----	907	North Danville Creamery Co.:	
Lykens Co-operative Creamery:		butter-----	782
butter-----	769	Northrop Cooperative Creamery Co.:	
Lyndonville Creamery Association:		butter-----	783
butter-----	770	Northrup, King & Co.:	
Lyon County Creamery:		Sterling Premix-----	713
butter-----	771	Northwest Dairy Forwarding Co.:	
M & C Berry Packers:		butter-----	784
blueberries-----	825, 842	Northwestern Candy Co.:	
Mahoney, D. E.:		candy-----	932
blueberries-----	840	O'Hara, F. J., & Sons, Inc.:	
Mananah Creamery:		fish, frozen-----	805
butter-----	772	Old Reliable Peanut Co.:	
Mangus, C. B. & S. D.:		peanut butter-----	923
huckleberries-----	873	Oliver-Finnie Co.:	
Marion Cooperative Creamery:		candy-----	933
butter-----	773	Orange County Cannery, Inc.:	
Marr, H. A., Grocery Co.:		tomato catsup-----	887
tomato catsup-----	881	Pacific Food Products Co.:	
Marshall Produce Co.:		apple butter-----	903
poultry-----	915	preserves-----	906
Marvel Candy & Novelty Co.:		Palmer Fruit Products, Inc.:	
candy-----	945	jellies-----	904
Marvel Novelty Co.:		Panozzo, John:	
candy-----	944	apples-----	815
Mason Ehrman & Co.:		Paris Candy Co.:	
tomato products-----	889	candy-----	934
Matsko, John, Jr.:		Patton Creamery Co.:	
blueberries-----	841	butter-----	721
Matthews, E. J.:		Peck & Goida:	
blueberries-----	842	blueberries-----	849
McAfee Candy Co.:		Pelican State Candy Co.:	
candy-----	940	candy-----	935
McAloose, A., & Sons:		Peters, Simon:	
blueberries-----	843	potatoes-----	874
McClintock Stern Co., Inc.:		Philadelphia Macaroni Co.:	
celery seed-----	950	spaghetti-----	708
mustard seed-----	950	Phoenix Candy Co.:	
McGurl, Mike:		candy-----	943
blueberries-----	844	Pickwick Creamery:	
Merchants Creamery:		butter-----	785
butter-----	720	Pilley, Frank, & Sons, Inc.:	
Merrick Dairy Co.:		butter-----	771
butter-----	774	Pillsbury Flour Mills Co.:	
Merrill Creamery:		rye flour-----	704
butter-----	775	Pollack, M. S.:	
Midwest Dairy Dispatch:		blueberries-----	850
butter-----	765	Pollock, M. S.:	
Milk Producers Association of Central		blueberries-----	847
California:		Producers Cold Storage Co.:	
butter-----	776	poultry-----	913
Miller, Clarence:		Producers Peanut Co., Inc.:	
huckleberries-----	873	peanut butter-----	919-921
Miller & Holmes, Inc.:		Producers Produce Co.:	
butter-----	777	poultry-----	914

	N. J. No.		N. J. No.
Prospect Chocolate Co.:		Stewart, John, Co.:	
candy-----	929	huckleberries-----	872
Pruitt Produce Co.:		Stone-Hall Co.:	
turkeys, dressed-----	917	tomato products-----	890
Quincy Candy Co.:		Strange Bros. Hide Co.:	
candy-----	941	salt blocks-----	715
Ramsdell Packing Co.:		Sugar Creek Creamery Co.:	
sardines, canned-----	806	butter-----	723
Ripon Canning Co.:		Sunnyburn Trading Co.:	
tomato paste-----	893	blueberries-----	862
Rising Sun Creamery Co.:		Sunnyvale Packing Co.:	
butter-----	786	tomato soup-----	902
Riverbank Canning Co.:		Superior Fisheries, Inc.:	
tomato paste-----	894	mackerel, canned-----	803
tomatoes, canned-----	880	Surtasky, Anthony:	
Roberts Creamery:		blueberries-----	863
butter-----	732	Swierenga Bros.:	
Rodney Milling Co.:		butter-----	753
wheat gray shorts and screenings--	712	Thomas Bros. Candy Co.:	
Rolette Creamery:		candy-----	942
butter-----	795	Tidey, Russell:	
Roslyn Creamery Co.:		apples-----	816
butter-----	787	Tomaine, F.:	
Ross, E. E.:		blueberries-----	864
blueberries-----	851	Treleash & Underhill:	734, 760
Rouse, T. R.:		butter-----	
blueberries-----	852	Turlock Co-Operative Growers:	
Royal Canning Corporation:		tomato paste-----	892
tomato products-----	889	Turner Creamery Co.:	
Rum River Creamery Co.:		butter-----	729
butter-----	788	Turtle Mountain Creamery Co.:	
Russell-Miller Milling Co.:		butter-----	795
flour-----	703, 704	Two Star Confectionery Co.:	
Sac City Creamery Co.:		jelly beans-----	938
butter-----	789	United Drug Co.:	
Saladigo, Paul:		candy-----	937
blueberries-----	853	Urban, John:	
Salzburg, S.:		blueberries-----	865
blueberries-----	854	Val Vita Food Products, Inc.:	
San Carlos Canning Co.:		apricots, canned-----	876, 877
mackerel, canned-----	803	orange jelly-----	905
Scarpatti, H.:		peaches, canned-----	877
blueberries-----	855	tomato products-----	887, 888, 895
Schoenith, Inc.:		Valentine Creamery:	
candy-----	936	butter-----	796
Scoblick Bros.:		Valley Creamery Co.:	
blueberries-----	856	butter-----	716
Scoblick, James:		Vinton Creamery Co.:	
blueberries-----	857	butter-----	797
Scotland Creamery:		Wadhams & Co.:	
butter-----	790	tomato catsup-----	884, 885
Scott, F. W.:		Wadley Co.:	
blueberries-----	858	butter-----	724
Sea Foods Corporation:		Waldbaum, S. & W., Inc.:	
tuna, canned-----	807, 808	butter-----	740, 768
Sego Milk Products Co.:		Washburn Crosby Co.:	
butter-----	791	wheat, gray shorts and screenings--	711
Seiter's, Inc.:		Watson, C. S.:	
tomato catsup-----	884	apples-----	817
Shealy, J. A.:		Webster Creamery Co.:	
tomato juice-----	891	butter-----	798
Simensky & Levy Corporation:		Weiner, Benjamin:	
blueberries-----	859	poultry-----	915
Sisk, A. W., & Son:		Weiner, Julius:	
sweetpotatoes, canned-----	879	poultry-----	915
Skotek, J. P.:		Wescoat, Phillip:	
blueberries-----	860	blueberries-----	866
Slaughter, T. C.:		Wilsey, Bennett Co.:	
fish roe-----	809	butter-----	775
Smith Canning Co.:		Winchester Dried Fruit Co.:	
tomato products-----	883, 899	prunes-----	909
Sorensen Creameries:		Woodrider Creamery Association:	
butter-----	792	butter-----	799
South Mountain Creamery:		Yorkshire Creamery Co.:	
butter-----	722	butter-----	725
Southland Cotton Oil Co.:		Yudacufski A.:	
cottonseed meal-----	710	blueberries-----	859
Spring Mountain Blueberry Assoc.:		Zenith-Godley Co.:	
blueberries-----	847	butter-----	736, 739, 742, 763, 790, 795
Spring Valley Butter Co.:		Zerega's, A., Sons, Inc.:	
butter-----	793	macaroni-----	706
Stanley Brokerage Co.:		Zerillo & La Fata:	
butter-----	745	tomatoes, canned-----	880
Steele County Cooperative Creamery		Zimmer & Dunkak, Inc.:	
Assoc.:		butter-----	738, 758, 767, 778, 787
butter-----	794	Zuber, J.:	
Stephenson, E. J.:		blueberries-----	867
blueberries-----	861		

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Errata Slip

Changes in Food Notices of Judgment Nos. 951-1200.

Page 257, paragraph 1, last line, change Arministrator to Administrator; column 2 of Contents, line 2, change 306 to 302; N. J. No. 951, lines 1 and 2, change Fiego to Ficgo.

Page 267, line 3, change Pillbury's to Pillsbury's.

Page 318, N. J. No. 1200, main paragraph, 3d line from last, change Fisher to Fischer.

Page 323, column 1, line 14, change Standard-Tilton to Stanard-Tilton.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION
U. S. Department of Agriculture

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

951-1200

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *June 12, 1941.*

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BEVERAGES AND BEVERAGE MATERIALS ¹

951. Adulteration of Fiego coffee substitute. U. S. v. 25 Cases of Fiego (coffee substitute), and two other seizures of Fiego. Default decrees of condemnation and destruction. (F. D. C. Nos. 2207, 2320, 2327. Sample Nos. 13058-E, 13059-E, 30804-E, 33108-E, 33109-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On June 13 and July 8 and 12, 1940, the United States attorneys for the Western District of Washington, the Southern District of New York, and the Northern District of Illinois filed libels against 25 cases of Fiego at Seattle, Wash; 50 cases at New York, N. Y.; and 20 cases at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about March 23 to on or about April 27, 1940, by the California Fiego Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 23, September 11, and October 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

¹ See also No. 1200 for tea.

952. Misbranding of tea. U. S. v. 150 Cartons, each containing 24 packages, of Tea. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 2528. Sample No. 159-E.)

These packages each contained a waxed paper bag of tea which occupied on an average only 65 percent of the space in the package.

On August 12, 1940, the United States attorney for the Northern District of Georgia filed a libel against 150 cartons of tea at Griffin, Ga., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by Carter, Macy Co., Inc., from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "Mayflower Brand Tea * * * Distributed by H. V. Kell Company Wholesale Grocers Griffin, Ga."

On September 7, 1940, the H. V. Kell Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be sold or disposed of contrary to law. It was repacked as bulk tea and the containers were destroyed.

953. Adulteration of orange juice. U. S. v. 300 Cases of Canned Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 2768. Sample No. 33636-E.)

This product contained a relatively large amount of dirt particles.

On September 9, 1940, the United States attorney for the Eastern District of New York filed a libel against 300 cases of orange juice at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by Apte Bros. from Tampa, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Orange Juice Sweet Life * * * Distributed by Sweet Life Food Corp. Brooklyn, N. Y."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 954 to 1003 report the seizure and disposition of flour which had been shipped in interstate commerce and was in interstate commerce at the time of examination and was found to be insect-infested at that time. When such infestation took place was not determined.

954. Adulteration of flour. U. S. v. 666, 64, and 18 Bags of Flour. Consent decree of condemnation and destruction. (F. D. C. No. 3230. Sample No. 20874-E.)

On or about October 21, 1940, the United States attorney for the Southern District of Georgia filed a libel against 748 bags of flour at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about May 29 and June 27, 1940, by the Acme Mills from Hopkinsville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Victory Fancy Patent Flour Bleached."

On November 30, 1940, the Acme Mills having filed an answer averring that the flour was good and merchantable when shipped in interstate commerce but admitting that it had become unfit for human consumption by reason of becoming infested with bugs, weevils, and worms, as the result of natural causes, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

955. Adulteration of flour. U. S. v. 101 Bags and 173 Bags of Flour. Consent decrees of condemnation. Product ordered released under bond conditioned that it be denatured. (F. D. C. Nos. 2831, 3044. Sample Nos. 11121-E, 11124-E.)

On September 13 and 19, 1940, the United States attorney for the Southern District of Texas filed libels against 274 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 7 and about June 6, 1940, by the Alva Roller Mills from Alva, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Honey Bee 1-G Flour" or "Robust Hi Gluten Flour."

On November 27, 1940, the Alva Roller Mills, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be denatured and disposed of as feed for livestock.

956. Adulteration of flour. U. S. v. 79, 79, and 163 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2593. Sample Nos. 15312-E, 15313-E, 15314-E, 15316-E.)

On August 16, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 321 sacks of flour at Helena, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about March 18 to on or about May 13, 1940, by the Arkansas City Flour Mills Co. from Arkansas City, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part: "Peter Rabbit Flour" or "Gingham Girl Flour."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

957. Adulteration of flour. U. S. v. 116 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2690. Sample No. 15890-E.)

On August 26, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 116 bags of flour at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about May 25, 1938, to September 14, 1939, by the Arnold Milling Co. from Sterling, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Real Treat Flour Distributed by L. Cohen Grocer Co."

On September 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

958. Adulteration of flour. U. S. v. 240 Bags of Flour. Consent decree of condemnation. Product released under bond to be used as feed for livestock. (F. D. C. No. 2336. Sample No. 28056-E.)

On July 9, 1940, the United States attorney for the District of Columbia filed a libel against 240 bags of flour at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about February 2, 1940, by the Burrus Mill & Elevator Co. from Kingfisher, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "TNT * * * Hard Wheat Flour High Gluten."

On August 1, 1940, the Wilkins-Rogers Milling Co. Inc., Washington, D. C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be mixed with other ingredients so that it could not be used for human consumption but might be used for animal feed.

959. Adulteration of flour. U. S. v. 20 Bags and 74 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2830. Sample Nos. 35099-E, 35100-E.)

On September 13, 1940, the United States attorney for the Southern District of Texas filed a libel against 94 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, by the Chickasha Milling Co. from Chickasha, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. Twenty bags were labeled in part, "High Gluten Flour Bleached"; the remaining portion was labeled in part, "Searchlight Flour Bleached."

On October 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

960. Adulteration of flour. U. S. v. 100 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3097. Sample No. 11139-E.)

On September 26, 1940, the United States attorney for the Eastern District of Texas filed a libel against 100 bags of flour at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about July 24, 1940, by the Dobry Flour Mills, Inc., from Yukon, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Silver Peaks * * * Flour Bleached."

On November 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

961. Adulteration of flour. U. S. v. 11 Sacks of Flour and 16 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3329. Sample No. 32611-E.)

On November 4, 1940, the United States attorney for the District of Arizona filed a libel against 27 sacks of flour at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by the Eagle Flour Mills from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pride of the Rockies Flour."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

962. Adulteration of flour. U. S. v. 136 and 96 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3081. Sample Nos. 15918-E, 15919-E.)

On September 24, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 232 bags of flour at Morrilton, Ark., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Eagle Milling Co. from Edmond, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Rodkey's Biscuitbaker Flour."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

963. Adulteration of flour. U. S. v. 34 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2361. Sample No. 1992-E.)

On or about July 13, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 34 sacks of flour at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about October 5, 1939, by the Fisher Flouring Mills Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Fisher's Famous-21 Flour Bleached."

On August 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

964. Adulteration of flour. U. S. v. 9 Sacks and 78 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3319. Sample Nos. 32297-E, 32298-E.)

On November 4, 1940, the United States attorney for the District of Arizona filed a libel against 87 sacks of flour at Douglas, Ariz., alleging that the article had been shipped in interstate commerce on or about July 31, 1940, by the Globe Mills from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Morning Glory Family Flour Seaboard Milling Co."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

965. Adulteration of flour. U. S. v. 16 and 17 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2651. Sample Nos. 28831-E, 28832-E.)

On August 28, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 33 bags of flour at Greenville, N. C., alleging that the article had been shipped in interstate commerce on or about May 16 and July 17, 1940, by the Hayden Flour Mills, Inc., from Tecumseh, Mich.; and charging it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "White Star Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product was destroyed in accordance with said decree.

966. Adulteration of flour. U. S. v. 70 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3063. Sample No. 9929-E.)

On September 26, 1940, the United States attorney for the Northern District of Mississippi filed a libel against 70 bags of flour at Columbus, Miss., alleging that the article had been shipped in interstate commerce within the period from on or about July 1 to on or about August 6, 1940, by the Hopkinsville Milling Co., Inc., from Hopkinsville, Ky.; and charging that it was adulterated

in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Royal Flour Bleached Plain."

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

967. Adulteration of flour. U. S. v. 35 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3113. Sample No. 33612-E.)

On October 3, 1940, the United States attorney for the District of New Jersey filed a libel against 35 sacks of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, from Houston, Tex., by the Houston Milling Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bromated Bleached * * * Clipper Extra Strong First Clear Baker's Flour."

On December 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

968. Adulteration of flour. U. S. v. 164 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be disposed of as animal feed. (F. D. C. No. 2335. Sample No. 28057-E.)

On July 9, 1940, the United States attorney for the District of Columbia filed a libel against 164 bags of flour at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about March 11, 1940, by Ismert-Hincke Milling Co. from Topeka, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bleached Split Log Flour Packed for Wilkins Rogers Milling Co. Washington, D. C."

On August 1, 1940, the claimant, Wilkins Rogers Milling Co., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be mixed with other ingredients and disposed of for animal feed.

969. Adulteration of flour. U. S. v. 27 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2594. Sample No. 15350-E.)

On August 16, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 27 sacks of flour at Pine Bluff, Ark., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by the Larabee Flour Mills Co. from Clinton, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food. It was labeled in part: "Mammy's Pride Fancy Patent Flour."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

970. Adulteration of flour. U. S. v. 40, 128, 112, and 231 Sacks of Flour. Decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 2524. Sample Nos. 15307-E, 15308-E, 15339-E, 15340-E.)

On or about August 19, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 511 sacks of flour at Jonesboro, Ark., alleging that the article had been shipped in interstate commerce within the period from on or about May 2 to on or about July 3, 1940, by Majestic Flour Mill from Aurora, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. The article was labeled in part: "Hi-Up Best Patent Flour [or "Flour * * * Hi-Bisk"] * * * Guaranteed By Centennial Flouring Mills Co., Seattle, Washington."

On September 19, 1940, the Puryear Grocery Co., of Jonesboro, Ark., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for the purpose of preventing it from being used for human consumption.

971. Adulteration of flour. U. S. v. 34 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2535. Sample No. 28825-E.)

On August 17, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against thirty-four 98-pound bags of flour at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about May 3, 1940, by the Mayflower Mills from Fort Wayne, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Chief Justice Flour."

On October 15, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product was subsequently destroyed in accordance with said order.

972. Adulteration of flour. U. S. v. 35 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3114. Sample No. 33613-E.)

On October 3, 1940, the United States attorney for the District of New Jersey filed a libel against 35 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 8, 1940, from Minot, N. Dak., by Minot Flour Mill Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Expander Flour Bleached."

On December 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

973. Adulteration of flour. U. S. v. 350 Bags of Flour. Consent decree of condemnation. Product ordered released under bond conditioned that it be denatured. (F. D. C. No. 3202. Sample No. 34020-E.)

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against 350 bags of flour at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 25, 1940, by the Montana Flour Mills Co. from Great Falls, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pure Montana Dakotana High Gluten Flour."

On December 9, 1940, Isidor Stern, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be denatured and disposed of for some purpose other than human consumption.

974. Adulteration of flour. U. S. v. 91 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2454. Sample No. 9861-E.)

On July 26, 1940, the United States attorney for the Southern District of Alabama filed a libel against 91 sacks of flour at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about December 30, 1939, by the Willis Norton Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bleached Inter-Ocean Mills Buffalo Flour."

On August 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

975. Adulteration of flour. U. S. v. 9 Bags of Flour. Decree of condemnation. Product released under bond to be denatured for use as feed for animals. (F. D. C. No. 3099. Sample No. 33607-E.)

On or about September 30, 1940, the United States attorney for the District of New Jersey filed a libel against 9 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Ontario Milling Co., Inc., from Wilson, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Springlow Short Spring Patent."

On January 21, 1941, the executors of the estate of P. Lehrhoff having appeared as claimants and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use as feed for animals.

976. Adulteration of flour. U. S. v. 65 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2711. Sample No. 15893-E.)

On or about August 30, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 65 bags of flour at Newport, Ark., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the W. W. Pollock Mill & Elevator Co. from Mexico, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food. It was labeled in part: "Belle of Mexico."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

977. Adulteration of flour. U. S. v. 129 and 222 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2418. Sample Nos. 150-E, 151-E.)

On July 25, 1940, the United States attorney for the Middle District of Georgia filed a libel against 351 sacks of flour at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about March 16 and May 1, 1940, by the Randolph Milling Co. from Ava, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Randolph Pride Patent Flour" or "Illinois Rose Flour."

On August 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

978. Adulteration of flour. U. S. v. 13 Bags and 28 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 2518, 2533. Sample Nos. 28817-E, 28818-E, 28821-E, 28822-E.)

On August 14 and 17, 1940, the United States attorney for the Eastern District of North Carolina filed libels against 13 bags of flour at Franklinton, N. C., and 28 bags of flour at Wendell, N. C., alleging that the article had been shipped in interstate commerce on or about June 3 and 25, 1940, by the Roanoke City Mills, Inc., from Roanoke, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Light White Superlative Patent Flour," or "Sungold Fancy Patent Flour."

On September 16 and October 29, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized at Franklinton was ordered destroyed immediately and the lot seized at Wendell, N. C., was ordered destroyed after 30 days unless taken down under bond by the owner. The latter lot was subsequently destroyed in accordance with said order.

979. Adulteration of flour. U. S. v. 71 Sacks, 35 Sacks, and 120 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 2359, 2641. Sample Nos. 9894-E, 9895-E, 35092-E.)

On or about July 15 and August 24, 1940, the United States attorneys for the Southern District of Texas and the Eastern District of Louisiana filed libels against 106 sacks of flour at Weslaco, Tex., and 120 bags of flour at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about May 8 and June 28, 1940, by the Shawnee Milling Co. from Shawnee, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Shawnee Warrior Bakers Flour," or "Shawnee Chief Flour."

On August 16 and September 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

980. Adulteration of flour. U. S. v. 20 Bags of Flour (and 1 other seizure of flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 2465, 2487. Sample Nos. 28094-E, 28803-E to 28806-E, incl.)

On August 2 and 10, 1940, the United States attorney for the Eastern District of North Carolina filed libels against 20 bags of flour at Littleton, N. C., and 30 bags at Warrenton, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 26 to on or about June 9, 1940, by the Shenandoah Milling Co. from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Carolina Queen Finest Patent * * * Flour * * * Shenandoah Milling Co."; or "Show Boat Flour * * * Seaboard Milling Co., Inc., Norfolk, Va."

On October 15 and 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed unless taken down under bond by the owner within 30 days. It was destroyed in accordance with said orders.

981. Adulteration of flour. U. S. v. 175 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3126. Sample No. 33611-E.)

On October 3, 1940, the United States attorney for the District of New Jersey filed a libel against 175 bags of flour at Newark, N. J., alleging that 9 bags had been shipped on or about June 21, 1940, from Wichita, Kans., by

Red Star Milling Co., and that 166 bags had been shipped on or about June 22, 1940, from Dallas, Tex., by Stanard-Tilton Milling Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Dynamo First Clear Flour Bleached Distributed by Metzendorf Bros., Inc. Perth Amboy, N. J."

On December 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

982. Adulteration of flour. U. S. v. 6 Bags and 6 Bags of Flour. Decree of condemnation and destruction. (F. D. C. No. 2554. Sample Nos. 28828-E, 28829-E.)

On August 21, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 12 bags of flour at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about March 14, 1940, by the Stanard-Tilton Milling Co. from Alton, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tag) "Standard's Best Flour" or "Stanard's * * * Table Queen Short Patent Flour."

On October 15, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product was subsequently destroyed in accordance with said order.

983. Adulteration of flour. U. S. v. 53 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3006. Sample No. 35338-E.)

On September 18, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 53 bags of flour at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, from Dallas, Tex., by Stanard-Tilton Milling Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part "Action Flour."

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

984. Adulteration of flour. U. S. v. 240 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2999. Sample No. 15911-E.)

On September 20, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 240 bags of flour at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about September 20 and October 5, 1939, by the Standard Milling Co. from Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. It was labeled in part: "Gulf Pride Flour Bleached."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

985. Adulteration of flour. U. S. v. 20 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2595. Sample No. 15317-E.)

On September 4, 1940, the United States attorney for the Western District of Tennessee filed a libel against 20 bags of flour at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Wall-Rogalsky Milling Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Bakers Patent Kansas Sun Flour."

On October 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

986. Adulteration of flour. U. S. v. 149 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3091. Sample Nos. 39287-E, 39288-E.)

This product contained rodent hairs in addition to being insect-infested.

On September 25, 1940, the United States attorney for the Western District of Arkansas filed a libel against 149 bags of flour at Harrison, Ark., alleging that the article had been shipped within the period from on or about January

23 to on or about March 30, 1940, by the Western Star Mill Co. from Salina, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Purity Bleached Flour."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

987. Adulteration of flour. U. S. v. 33 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2728. Sample No. 15894-E.)

On September 3, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 33 bags of flour at Searcy, Ark., alleging that the article had been shipped in interstate commerce on or about May 25, 1940, by the Wilson Flour Mills from Wilson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food. It was labeled in part "Westkan Flour."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

988. Adulteration of flour. U. S. v. 33 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2707. Sample No. 28839-E.)

On or about September 16, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 33 bags of flour at Ahoskie, N. C., alleging that the article had been shipped in interstate commerce on or about March 21, 1940, by Ballard & Ballard Co., Inc., from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Canoe Flour Self-Rising Bleached * * * New South Flour Co. * * * Louisville, Ky."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product subsequently was destroyed in accordance with said order.

989. Adulteration of flour. U. S. v. 29 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2799. Sample No. 20855-E.)

On September 16, 1940, the United States attorney for the Northern District of Florida filed a libel against 29 sacks of flour at Blountstown, Fla., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by the Canadian Mill & Elevator Co. from El Reno, Okla.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Super Silver Self-Rising Flour."

On January 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

990. Adulteration of flour. U. S. v. 12 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2555. Sample No. 28830-E.)

On August 21, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 12 bags of flour at Wilson, N. C., alleging that the article had been shipped in interstate commerce on or about March 26, 1940, by the Crown Mills from Portland, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Snow Drop Self-Rising Flour."

On October 15, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. The product was subsequently destroyed in accordance with said order.

991. Adulteration of flour. U. S. v. 138 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3090. Sample No. 9936-E.)

On September 26, 1940, the United States attorney for the Northern District of Mississippi filed a libel against 138 sacks of flour at Corinth, Miss., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by the Nashville Roller Mills from Nashville, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Hearts Delight Self-Rising Flour."

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

992. Adulteration of flour. U. S. v. 15 and 14 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2393. Sample Nos. 28076-E, 28077-E.)

On July 20, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 29 sacks of flour at Emporia, Va., alleging that the article had been shipped in interstate commerce within the period from on or about March 6 to on or about May 7, 1940, by the Northwestern Elevator & Mill Co. from Mount Vernon, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Self Rising North Star Finest Winter Patent Flour; or "North Star Finest Patent Winter Flour."

On November 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

993. Adulteration of flour. U. S. v. 142, 153, and 156 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. No. 2636. Sample Nos. 9964-E, 9965-E.)

On August 21, 1940, the United States attorney for the Northern District of Alabama filed libels against 451 bags of flour at Sheffield, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about February 16 to on or about July 3, 1940, by the Sauers Milling Co. from Evansville, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part variously: "Laddie Boy Flour," "Self-Rising Flour * * * Laddie Boy," or "Sauers Brilliantine Self-Rising Flour."

On September 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

994. Adulteration of flour. U. S. v. 18 and 35 Bags of Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 2519, 2525. Sample Nos. 28819-E, 20124-E.)

On August 10 and 14, 1940, the United States attorneys for the Eastern District of North Carolina and the Middle District of Georgia filed libels against 18 bags of flour at Zebulon, N. C., and 35 bags at Nashville, Ga., alleging that the article had been shipped in interstate commerce on or about April 11 and May 14, 1940, by J. Allen Smith & Co. from Knoxville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "White Lily Flour"; or "Red Head Self-Rising Flour."

On September 12 and October 29, 1940, no claimant having appeared, judgments of condemnation were entered. The product seized at Nashville, Ga., was ordered destroyed and that seized at Zebulon, N. C., was ordered destroyed after 30 days unless taken down under bond by the owner. The latter lot was subsequently destroyed in accordance with said order.

995. Adulteration of flour. U. S. v. 1,044 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3100. Sample Nos. 20871-E, 20872-E.)

On October 3, 1940, the United States attorney for the Southern District of Florida filed a libel against 1,044 bags of flour at Orlando, Fla., alleging that the article had been shipped in interstate commerce on or about April 27 and June 21, 1940, by the Texas Star Flour Mills from Galveston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bleached Oleander Self-Rising Flour"; and "Bleached Southern Delight Flour Self-Rising."

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

996. Adulteration of rye, plain, and cake flour. U. S. v. 37 Sacks of Flour (and 2 other seizure actions involving flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 2993, 3098, 3391. Sample Nos. 11122-E, 33610-E, 32284-E.)

Within the period from September 17 to November 19, 1940, the United States attorneys for the Southern District of Texas, the District of New Jersey, and the District of Arizona filed libels against 37 sacks of rye flour at Houston, Tex.; 45 bags of flour at Newark, N. J.; and 12 cases of cake flour at Tucson, Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about January 3, 1939, to on or about August 14, 1940, by the Pillsbury Flour Mills Co. from Enid, Okla., and Buffalo, N. Y.; and charg-

ing that it was adulterated in that it consisted in whole or in part of a filthy substance. It was variously labeled: "Pillsbury's Pure Dark Rye Flour"; "Pillsbury's Kanabec Flour Bleached"; and "Pillsbury's Sno Sheen Cake Flour Bleached."

On November 27 and December 26, 1940, and January 14, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

997. Adulteration of pastry flour. U. S. v. 62 Bags of Flour. Consent decree of condemnation. Product released under bond for use as feed for livestock. (F. D. C. No. 2792. Sample No. 35096-E.)

On September 10, 1940, the United States attorney for the Southern District of Texas filed a libel against 62 bags of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about June 13, 1940, by the Centennial Flouring Mills Co. from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Centennial Pastry Flour Bleached."

On October 16, 1940, the Rogers Grain Co., Inc., Houston, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be disposed of as feed for livestock.

998. Adulteration of flour. U. S. v. 394 Bags of Flour (and 5 other seizures of flour). Decrees of condemnation. Portion ordered released under bond for use as animal feed. Remainder ordered destroyed. (F. D. C. Nos. 2513, 2695, 2818, 3118, 3286, 3330. Sample Nos. 907-E, 9641-E, 35098-E, 32266-E, 32267-E, 32291-E, 32612-E.)

Between August 8 and November 4, 1940, the United States attorneys for the Southern District of Alabama, Southern District of Georgia, Southern District of Texas, and the District of Arizona filed libels against 394 140-pound bags of flour at Mobile, Ala.; 80 140-pound bags at Savannah, Ga.; 131 98-pound bags at Houston, Tex.; 90 9.8-pound and 120 4.9-pound bags at Phoenix, Ariz.; 24 98-pound bags at Tucson, Ariz.; and 260 24-pound bags at Douglas, Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about July 6, 1939, to on or about August 13, 1940, by the Sperry Flour Co., variously from South Vallejo, Los Angeles, and San Francisco, Calif., and Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled variously in part: "Snow Drift Sperry Flour Company of General Mills, Inc., San Francisco, Cal."; "Snow Flake Finest Pastry Flour"; "Washburn Crosby Gold Medal Flour"; "Cameo Flour"; and "Big Tree Bleached Flour Portland Flour Mills Company."

On August 26, 1940, General Mills Co. trading as the Southern Gold Medal Flour Co., claimant for the product seized at Mobile, Ala., having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of as animal feed or for purposes other than human consumption. Between September 24, 1940, and January 16, 1941, no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

999. Adulteration of pancake flour. U. S. v. 24 Cases of Pancake Flour. Default decree of condemnation and destruction. (F. D. C. No. 3083. Sample No. 11128-E.)

On September 24, 1940, the United States attorney for the Southern District of Texas filed a libel against 24 cases of pancake flour at Houston, Tex., consigned by General Mills, Inc., alleging that the article had been shipped in interstate commerce on or about February 5, 1940, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Washburn's Self-rising Kitchen-Tested Pancake Flour."

On November 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1000. Adulteration of pancake flour. U. S. v. 31 Cases, 80 Cases, and 44 Cases of Pancake Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 3082, 3152. Sample Nos. 32257-E, 32258-E, 32268-E.)

On September 27 and October 12, 1940, the United States attorney for the District of Arizona filed libels against 155 cases of pancake flour at Phoenix,

Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about January 12 to on or about August 21, 1940, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Aunt Jemima's Ready-Mix for Pancakes."

On January 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1001. Adulteration of flour and corn meal. U. S. v. 5 Bundles and 3 Bales of Pancake and Waffle Flour (and 1 seizure action against corn meal). Default decrees of condemnation and destruction. (F. D. C. Nos. 3001, 3002. Sample Nos. 32243-E to 32249-E, incl.)

On September 19, 1940, the United States attorney for the District of Arizona filed libels against 5 bundles and 3 bales containing a total of 60 4-pound bags and 30 9.8-pound bags of pancake and waffle flour; and 6 bales, 3 bags, and 4 bundles containing a total of 50 10-pound bags, 100 5-pound bags, and 3 25-pound bags of corn meal at Yuma, Ariz., alleging that the articles had been shipped in interstate commerce within the period from on or about February 7 to June 12, 1940, by the Sperry Flour Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances.

On January 16 and 17, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1002. Adulteration of flour. U. S. v. 27 Sacks and 300 Bags of Flour. Decrees of condemnation. Portion of product destroyed. Remainder released under bond to be denatured for use as feed for animals. (F. D. C. Nos. 2212, 3074. Sample Nos. 404-E, 33606-E.)

On or about June 18 and September 26, 1940, the United States attorneys for the Southern District of Florida and the District of New Jersey filed libels against 27 sacks of flour at Miami, Fla., and 300 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 28 and May 24, 1940, by the Morten Milling Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Morten's Nu Day Whole Wheat Flour Morten Milling Company"; or "Producto Flour Twin City Flouring Mills Co. Distributors * * * New York, N. Y."

On July 19, 1940, no claimant having appeared for the lot seized at Miami, judgment of condemnation was entered and the product was ordered destroyed. On January 21, 1941, the executors of the estate of P. Lehrhoff having appeared as claimants for the lot seized at Newark, N. J., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use as feed for animals.

1003. Adulteration of soyflake flour. U. S. v. 4 Sacks of Flour. Default decree of condemnation and destruction. (F. D. C. No. 3275. Sample No. 33074-E.)

On October 24, 1940, the United States attorney for the District of Massachusetts filed a libel against four sacks of flour at Cambridge, Mass., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by the Spencer Kellogg Co. from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Shellabarger's Soyflake Flour * * * Shellabarger Grain Products Co. Decatur, Ill."

On November 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL AND GRITS.¹

Nos. 1004 to 1035 report the seizure and disposition of corn meal which contained rodent excreta or rodent hairs and, in most instances, both. Insect fragments were also found in some of the samples.

¹ See also No. 1001 for corn meal.

1004. Adulteration of corn meal. U. S. v. 62 Bags and 82 Bags of Corn Meal. Default decrees of condemnation. Product ordered delivered to a charitable institution for use as dairy feed. (F. D. C. Nos. 2683, 3465. Sample Nos. 27318-E, 27737-E.)

On August 31 and December 10, 1940, the United States attorney for the Southern District of West Virginia filed libels against 144 bags of corn meal at Williamson, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 25 to on or about November 19, 1940, by Altman's Mills from Troy, Ohio; and charging that it was adulterated. It was labeled in part: "Trojan Kiln Dried Extra Fancy Corn Meal"; or "Trojan Corn Meal."

Adulteration was alleged with respect to a portion in that it contained rodent excreta and with respect to the remainder in that it contained rodent excreta and rodent hairs and was otherwise unfit for food.

On October 22 and December 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution to be denatured and used as dairy feed.

1005. Adulteration of corn meal. U. S. v. 20 Bags and 4 Bags of Corn Meal. Default decrees of condemnation and destruction. (F. D. C. Nos. 3130, 3131. Sample Nos. 30099-E, 30100-E.)

On October 3, 1940, the United States attorney for the Northern District of Illinois filed libels against 24 bags of corn meal at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 4 and 23, 1940, by the Anchor Milling Co. from Rochester, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Our Best Southern Plantation White Cream Corn Meal."

On November 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1006. Adulteration of corn meal. U. S. v. 120 Bags and 110 Bags of Corn Meal. Default decrees of condemnation and destruction. (F. D. C. Nos. 2716, 2739. Sample Nos. 27328-E, 27331-E.)

On September 4, 1940, the United States attorney for the Eastern District of Kentucky filed libels against 120 bags of corn meal at Hazard, Ky., and 110 bags of corn meal at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about August 6 and 20, 1940, by Baltic Mills, Inc., from Vincennes, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Knox County Cream Meal."

On September 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1007. Adulteration of corn meal. U. S. v. 120, 17, and 34 Bags of Corn Meal. Default decrees of condemnation and destruction. (F. D. C. Nos. 3087, 3088. Sample Nos. 909-E, 20274-E.)

On September 26, 1940, the United States attorney for the Southern District of Georgia filed libels against 120 bags of corn meal at Savannah, Ga., and 51 bags at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about September 13 and 16, 1940, by the Bishopville Milling Co. from Bishopville, S. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pee Dee Unbolted Corn Meal."

On October 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1008. Adulteration of corn meal. U. S. v. 98 Sacks of Corn Meal (and 2 other seizure actions against corn meal). Decrees of condemnation. Portion of product released under bond for denaturing for use as feed for livestock. Remainder ordered destroyed. (F. D. C. Nos. 2547, 2688, 2734. Sample Nos. 27052-E, 27319-E, 27330-E.)

On August 14 and September 4 and 5, 1940, the United States attorneys for the Southern District of Ohio and the Eastern District of Kentucky filed libels against 98 100-pound sacks of corn meal at Cincinnati, Ohio, 100 10-pound bags at Harlan, Ky., and 160 25-pound bags at West Liberty, Ky., alleging that the

article had been shipped in interstate commerce within the period from on or about August 6 to August 16, 1940, by Bundy Bros. Mill Co. from Medora, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Medora Roller Mills * * * Cream Meal."

On September 7, 1940, Bundy Bros. Mill Co. having appeared as claimant in the action instituted in the Southern District of Ohio and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured for use as feed for livestock. On September 27, 1940, no claim having been entered for the two lots seized in the Eastern District of Kentucky, judgments of condemnation were entered and they were ordered destroyed.

1009. Adulteration of corn meal. U. S. v. 11 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3047. Sample No. 25827-E.)

On September 20, 1940, the United States attorney for the Middle District of Alabama filed a libel against 11 sacks of corn meal at Union Springs, Ala., alleging that the article had been shipped in interstate commerce on or about September 5, 1940, by the City Mills Co. from Columbus, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pearces * * * Old Style Water Ground Unbolted Corn Meal."

On January 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1010. Adulteration of corn meal. U. S. v. 600 and 500 Sacks and 35 Bags of Corn Meal. Default decrees of condemnation and destruction. (F. D. C. Nos. 2218, 2741. Sample Nos. 5889-E, 27332-E.)

On June 14 and September 4, 1940, the United States attorneys for the Eastern District of Kentucky and the Eastern District of Tennessee filed libels against 1,100 sacks of corn meal at Lothair, Ky., and 35 bags of corn meal at Tazewell, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about May 2 to on or about August 20, 1940, by the Columbus Milling Co. from Columbus, Ind.; and charging that it was adulterated.

Adulteration was alleged with respect to the product at Lothair, Ky., in that it consisted wholly or in part of a filthy substance; and with respect to the product at Tazewell, Tenn., in that it consisted wholly or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On July 10 and October 30, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1011. Adulteration of corn meal. U. S. v. 208 Bags, 120 Bags, and 92 Bags of Corn Meal. Default decrees of condemnation. Product ordered distributed to public or charitable institutions for use as feed for livestock. (F. D. C. Nos. 2628, 2694. Sample Nos. 27301-E, 27317-E.)

On August 24 and 31, 1940, the United States attorney for the Southern District of West Virginia filed libels against 328 bags of corn meal at Charleston, W. Va., and 92 bags at Williamson, W. Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 20 to on or about August 5, 1940, by Dewey Bro. Co. from Blanchester, Ohio; and charging that it was adulterated in that it contained rodent excreta and rodent hairs and was otherwise unfit for food. It was labeled in part: "Dewey's White Meal."

On September 17 and October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered distributed to public or charitable institutions to be denatured and used as feed for livestock.

1012. Adulteration of corn meal. U. S. v. 96 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2540. Sample No. 27292-E.)

On August 13, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 96 bags of corn meal at Covington, Ky., alleging that the article had been transported in interstate commerce on or about August 2, 1940, by the Early & Daniel Co. from Cincinnati, Ohio; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Tuxedo Whole Corn Meal White."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1013. Adulteration of corn meal. U. S. v. 124 and 101 Bags each containing 96 Pounds of Corn Meal. Consent decrees of condemnation. Product released under bond for use as food for animals. (F. D. C. Nos. 2749, 2812. Sample Nos. 20451-E, 20857-E.)

On or about September 9 and 20, 1940, the United States attorney for the Southern District of Florida filed libels against 124 96-pound bags of corn meal at Tampa, Fla., and 101 96-pound bags at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 23 and 27, 1940, by the Eelbeck Milling Co. from Omaha, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16 and 30, 1940, the Eelbeck Milling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be disposed of as animal feed.

1014. Adulteration of corn meal. U. S. v. 1,660, 310, and 490 Bags of Corn Meal (and 2 other seizures of corn meal). Default decrees of condemnation. Product ordered delivered to county institution for use as feed for livestock. (F. D. C. Nos. 2590, 2684, 2685. Sample Nos. 27300-E, 27308-E, 27312-E.)

On August 20 and 30, 1940, the United States attorney for the Southern District of West Virginia filed libels against 495 5-pound bags, 3,630 10-pound bags, and 310 24-pound bags of corn meal in various lots at Charleston, Madison, and Barnabus, W. Va., respectively, alleging that the article had been shipped in interstate commerce within the period from on or about July 30 to on or about August 9, 1940, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it contained rodent excreta and was otherwise unfit for food. It was labeled in part: "Eshelman Red Rose White Corn Meal * * * John W. Eshelman & Sons"; or "Lewis Hubbard & Co. Kiln Dried Edgewood White Corn Meal * * * Charleston, W. Va."

On September 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to county institutions to be denatured and disposed of for stock and hog feed.

1015. Adulteration of corn meal. U. S. v. 781 Bags of Corn Meal (and 2 other seizure actions against corn meal). Default decrees of condemnation and destruction. (F. D. C. Nos. 2764, 2765, 2833. Sample Nos. 28862-E, 28863-E, 28864-E, 28872-E, 28873-E, 28874-E.)

On September 6 and 16, 1940, the United States attorney for the Eastern District of Virginia filed libels against 1,711 bags of corn meal at Norfolk, Va., alleging that the article had been shipped in interstate commerce within the period from on or about August 5 to on or about September 3, 1940, by Evans Mills, Inc., from Tyner, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Bolted Virginia Dare * * * Corn Meal."

On October 2 and 25, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1016. Adulteration of corn meal. U. S. v. 79 Bags and 45 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2475. Sample Nos. 154-E, 20716-E.)

On or about August 23, 1940, the United States attorney for the Southern District of Florida filed a libel against 124 bags of corn meal at Jasper, Fla., alleging that the article had been shipped in interstate commerce on or about July 17 and 24, 1940, by the Farmers Milling Co., Inc., from Valdosta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Valmeco Old Style Southern Corn Meal."

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1017. Adulteration of corn meal. U. S. v. 620, 1,440, and 770 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond to be disposed of as feed for livestock. (F. D. C. No. 2796. Sample No. 27309-E.)

On September 16, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 620 24-pound bags, 1,440 10-pound bags, and 770 5-pound bags of corn meal at Logan, W. Va., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by General

Foods Corporation from Kankakee, Ill.; and charging that it was adulterated in that it contained rodent excreta. It was labeled in part: "Battle Creek White Corn Meal."

On October 25, 1940, General Foods Corporation having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be manufactured into feed for livestock.

1018. Adulteration of corn meal. U. S. v. 315 and 150 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to public institution for use as stock and hog feed. (F. D. C. No. 2638. Sample No. 27304-E.)

On August 24, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 315 24-pound and 150 10-pound bags of corn meal at Charleston, W. Va., alleging that the article had been shipped in interstate commerce on or about August 9, 1940, by the Goldcamp Mill Co. from Ironton, Ohio; and charging that it was adulterated in that it contained rodent hairs and rodent excreta and was otherwise unfit for food. It was labeled in part: "Purity Corn Meal."

On September 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be denatured and used as stock and hog feed.

1019. Adulteration of corn meal. U. S. v. 63 Bags of Corn Meal (and 3 other seizure actions involving corn meal). Decrees of condemnation. Portion of product ordered released under bond to be disposed of as feed for livestock; remainder ordered destroyed. (F. D. C. Nos. 2469, 2476, 2478, 2503. Sample Nos. 155-E, 157-E, 158-E, 20713-E, 20715-E.)

Between August 1 and 7, 1940, the United States attorneys for the Middle District of Georgia and the Southern District of Florida filed libels against 63 bags of corn meal at Valdosta, Ga.; 83 bags at Nashville, Ga.; 53 bags at Camilla, Ga.; and 420 bags at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about July 11 to on or about July 19, 1940, by the Interstate Milling Co. from Charlotte, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Triangle Crystal White Meal."

On August 29 and September 3, 1940, the Interstate Milling Co., claimant, having admitted the allegations of the libels covering the seizures at Valdosta and Nashville, Ga., and Jacksonville, Fla., judgments of condemnation were entered and the product was ordered released under bond to be denatured and disposed of as feed for livestock. On October 7, 1940, no claimant having appeared for the lot seized at Camilla, Ga., judgment of condemnation was entered and the product was ordered destroyed.

1020. Adulteration of corn meal. U. S. v. 15 Bags of Corn Meal (and 2 other seizures of corn meal). Default decrees of condemnation and destruction. (F. D. C. Nos. 2598, 2599, 2600. Sample Nos. 20432-E, 20433-E, 20434-E.)

On or about August 20 and 21, 1940, the United States attorney for the Southern District of Florida filed libels against 121 bags of corn meal at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by Juliette Milling Co. from Juliette, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Juliette Meal * * * Unbolted Old-Fashioned Water Ground."

On October 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1021. Adulteration of corn meal. U. S. v. 920 Bags and 750 Bags of Corn Meal. Default decree of condemnation. Product ordered delivered to a charitable institution for use as feed for livestock. (F. D. C. No. 2682. Sample No. 27315-E.)

On August 31, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 920 24-pound and 750 10-pound bags of corn meal at Williamson, W. Va., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by Kasco Mills, Inc., from Toledo, Ohio; and charging that it was adulterated in that it contained rodent excreta

and rodent hairs and was otherwise unfit for food. It was labeled in part: "Manufactured by Kasco Mills, Inc., Superior Feed Products, Waverly, N. Y. Toledo, Ohio. White corn meal."

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution to be denatured and disposed of as feed for livestock.

1022. Adulteration of corn meal. U. S. v. 14 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2807. Sample No. 19233-E.)

On September 12, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 14 bags of corn meal at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by the Manchester Corn Mill from Richmond, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1023. Adulteration of corn meal. U. S. v. 5 Sacks of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2746. Sample No. 38028-E.)

On September 4, 1940, the United States attorney for the Western District of Wisconsin filed a libel against five sacks of corn meal at Marshfield, Wis., alleging that the article had been shipped in interstate commerce on or about August 9, 1940, by the Marshfield Milling Co., of Marshfield, Wis., in shipper's truck from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pillsbury's Yellow Corn-Meal (Granulated), Pillsbury Flour Mills Company, Minneapolis, Minnesota, Manufacturer."

On October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1024. Adulteration of corn meal. U. S. v. 72 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2703. Sample Nos. 35332-E, 35333-E.)

On August 29, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 72 bags of corn meal at Hammond, La., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by the Meridian Grain & Elevator Co. from Meridian, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Banjo * * * Electricially Ground Bolted Corn Meal."

On September 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1025. Adulteration of corn meal. U. S. v. 39 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2635. Sample No. 9800-E.)

On August 20, 1940, the United States attorney for the Middle District of Alabama filed a libel against 39 bags of corn meal at Opelika, Ala., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the Meridian Grain & Elevator Co. from Meridian, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Nunbetter Meal Electric Rock Ground."

On October 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1026. Adulteration of corn meal. U. S. v. 29 Cartons of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2460. Sample No. 28084-E.)

On July 30, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 29 cartons of corn meal at Suffolk, Va., alleging that the article had been shipped in interstate commerce on or about June 27, 1940, by the Norman Packing Corporation, of Suffolk, Va., in shipper's truck, from Como, N. C.; and charging that it was adulterated in that it consisted in

whole or in part of a filthy substance. It was labeled in part: "Old Time Slow Ground White Corn Meal—Milled By Chowan Milling Co., Como, N. C."

On August 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1027. Adulteration of corn meal. U. S. v. 150 Bags and 50 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2609. Sample No. 27298-E.)

On August 27, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 150 10-pound bags and 50 24-pound bags of corn meal at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by R. C. Poage Milling Co., Inc., from Ashland, Ky.; and charging that it was adulterated in that it contained rodent excreta and was otherwise unfit for food. It was labeled in part: "White Bolted Pearl Meal 'Made-Just-Right'."

On August 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1028. Adulteration of corn meal. U. S. v. 241 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2802. Sample No. 17982-E.)

On September 11, 1940, the United States attorney for the Southern District of Alabama filed a libel against 241 bags of corn meal at Demopolis, Ala., alleging that the article had been shipped in interstate commerce on or about August 9, 1940, by the Royal-Stafolife Mills from Meridian, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Royal Corn Meal."

On October 25, 1940, the Royal-Stafolife Mills, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it not be sold or disposed of contrary to law. It was denatured and used in the manufacture of animal feed.

1029. Adulteration of corn meal. U. S. v. 134 Bags of Corn Meal (and 2 other seizure actions against corn meal). Default decrees of condemnation and destruction. (F. D. C. Nos. 2427, 2471, 2549. Sample Nos. 5696-E, 27285-E, 27295-E.)

Between July 24 and August 14, 1940, the United States attorneys for the Southern District of Ohio and the Eastern District of Kentucky filed libels against 634 bags of corn meal at Cincinnati, Ohio, and 150 bags at Morehead, Ky., consigned within the period from July 3 to July 31, 1940, alleging that the article had been shipped in interstate commerce by the Rush County Mills from Rushville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Imperial White Corn Meal" or "Imperial Cream Meal."

On September 9 and 11, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1030. Adulteration of corn meal. U. S. v. 420 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3419. Sample No. 39250-E.)

On November 20, 1940, the United States attorney for the Southern District of Iowa filed a libel against 420 bags of corn meal at Davenport, Iowa, alleging the article had been shipped in interstate commerce on or about October 23, 1940, by Schultz, Baujan & Co. from Beardstown, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Kiln Dried Yellow Corn Meal."

On December 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1031. Adulteration of corn meal. U. S. v. 75 and 70 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2629. Sample No. 27314-E.)

On August 27, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 75 10-pound bags and 70 20-pound bags of corn meal at Matewan, W. Va., alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Ubiko Milling Co. from Cincinnati, Ohio; and charging that it was adulterated in that it contained rodent excreta and rodent hairs and was otherwise unfit for food. It was labeled in part: "Ubiko Fancy Table Corn Meal White."

On August 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1032. Adulteration of corn meal. U. S. v. 231 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3116. Sample No. 9857-E.)

On October 2, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 231 bags of corn meal at Hammond, La., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by the Valley Mills from Jackson, Miss.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Red Bird Corn Meal."

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1033. Adulteration of corn meal. U. S. v. 67 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 2648. Sample No. 9960-E.)

On August 21, 1940, the United States attorney for the Northern District of Alabama filed a libel against 67 bags of corn meal at Huntsville, Ala., alleging that the article had been shipped in interstate commerce on or about July 10, 1940, by the Winchester Milling Co. from Winchester, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Crystal White Corn Meal."

On September 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1034. Adulteration of corn meal. U. S. v. 75 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3233. Sample No. 20722-E.)

On or about October 10, 1940, the United States attorney for the Southern District of Florida filed a libel against 75 bags of corn meal at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by the Wade Wood Milling Co. from Birmingham, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Mandy Old Style Rock Ground Corn Meal."

On November 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1035. Adulteration of corn meal. U. S. v. 26 Bags of Corn Meal. Consent decree of condemnation. Product ordered released under bond for use as hog feed. (F. D. C. No. 2755. Sample No. 39066-E.)

This product was in interstate commerce at the time of examination and was found to be insect-infested and to contain rodent excreta at that time.

On or about September 10, 1940, the United States attorney for the Western District of Kentucky filed a libel against 26 bags of corn meal at Paducah, Ky., alleging that the article had been shipped in interstate commerce on or about July 10, 1940, by the Decatur Milling Co. from Decatur, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 4, 1940, Wm. C. Hawkins, Paducah, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into hog feed.

1036. Adulteration of grits. U. S. v. 12 Bags of Grits. Default decree of condemnation and destruction. (F. D. C. No. 2409. Sample No. 149-E.)

This product was in interstate commerce at the time of examination and was found to be insect-infested at that time.

On July 23, 1940, the United States attorney for the Middle District of Georgia filed a libel against 12 bags of grits at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about January 16, 1940, from Owensboro, Ky., by Charles Broeker & Co.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Broekers Airolite Grits."

On August 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MACARONI PRODUCTS

1037. Misbranding of macaroni. U. S. v. 215 Cases of Macaroni. Consent decree of condemnation. Product released under bond for repackaging. (F. D. C. No. 2227. Sample No. 10936-E.)

This product was short weight.

On June 18, 1940, the United States attorney for the Southern District of New York filed a libel against 215 cases of macaroni at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the C. F. Mueller Co. from Jersey City, N. J.; and charging that it was misbranded. The article was labeled in part: (Cartons) "Mueller's Elbow Macaroni 9 Ounces * * * Guaranteed to conform with all pure food laws."

It was alleged to be misbranded in that the statement of weight on the label was false and misleading since it was incorrect; and in that the package did not bear an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that the statement "Guaranteed to conform with all pure food laws" was false and misleading since the package did not conform with the Federal Food, Drug, and Cosmetic Act.

On September 6, 1940, the C. F. Mueller Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be repacked in a manner complying with the law.

1038. Misbranding of macaroni. U. S. v. 22 Cases of Macaroni. Default decree of condemnation. Product sold to a charitable institution. (F. D. C. No. 2421. Sample No. 9276-E.)

This macaroni was of irregular length, the longest pieces being considerably shorter than the box. The boxes could have held an average of about 30 percent more macaroni than was present.

On or about July 26, 1940, the United States attorney for the Northern District of Texas filed a libel against 22 cases of macaroni at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Skinner's The Superior Long Macaroni."

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a charitable institution for a nominal sum.

1039. Misbranding of macaroni and spaghetti. U. S. v. 39 Cases of Macaroni and 59 Cases of Spaghetti. Consent decree of condemnation and destruction. (F. D. C. Nos. 2378, 2379. Sample Nos. 16257-E, 16258-E.)

The macaroni occupied on an average only about 67 percent and the spaghetti on an average only about 40 percent of the space of the cartons in which they were packed. Furthermore, they were both short of the declared weight.

On July 23, 1940, the United States attorney for the District of Kansas filed a libel against 39 cases of macaroni and 59 cases of spaghetti at Pittsburg, Kans., alleging that the articles had been shipped in interstate commerce on or about February 26, 1940, by the Midwest Macaroni Co. from Kansas City, Mo.; and charging that they were misbranded. They were labeled in part: (Cartons) "Midwest Brand Elbow Macaroni [or "Spaghetti"]."

The articles were alleged to be misbranded in that the statement on the labels, "7 Oz. Net Weight," was false and misleading since it was incorrect; in that they were in package form and did not bear an accurate statement of the quantity of the contents; and in that the containers were so made, formed, or filled as to be misleading.

On August 6, 1940, the consignee having consented to the entry of a decree, judgment was entered ordering destruction of the products.

1040. Misbranding of spaghetti. U. S. v. 46 Cases of Spaghetti. Consent decree of condemnation and destruction. (F. D. C. No. 2801. Sample No. 16691-E.)

This product occupied on an average about 69 percent of the capacity of the package.

On September 18, 1940, the United States attorney for the District of Kansas filed a libel against 46 cases of spaghetti at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about June 14, 1940, by the Domino Macaroni Co. from Springfield, Mo.; and charging that it was

misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Pan Tree Brand Spaghetti * * * Distributed by The Ranney-Davis Mercantile Co."

On October 5, 1940, the Ranney-Davis Mercantile Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1041. Misbranding of spaghetti. U. S. v. 400 Cases of Spaghetti. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 2258. Sample No. 2785-E.)

This product occupied only about half the capacity of the package, and the statement of the quantity of the contents was inconspicuous.

On June 26, 1940, the United States attorney for the District of Rhode Island filed a libel against 400 cases of spaghetti at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Prince Macaroni Manufacturing Co. from Lowell, Mass.; and charging that it was misbranded. The article was labeled in part: (Package) "White Spray Spaghetti Distributed By First National Stores, Inc. Somerville, Mass."

It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that the statement of the quantity of the contents required to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 22, 1940, the Prince Macaroni Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

1042. Misbranding of spaghetti dinner. U. S. v. 504 Cases of Spaghetti Dinner. Consent decree of condemnation. Product ordered released under bond to be repackaged. (F. D. C. No. 2242. Sample No. 1345-E.)

This product consisted of a package of spaghetti, a can of sauce, and a can of grated cheese enclosed in a carton. The carton had a false bottom which occupied about 30 percent of its capacity. The package containing the spaghetti was also deceptive since the spaghetti occupied less than 60 percent of the volume of the package.

On June 19, 1940, the United States attorney for the District of Maryland filed a libel against 504 cases of spaghetti dinner at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 7 and 31, 1940, by the Chef Boiardi Food Products from Milton, Pa.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Carton) "Lido Club Spaghetti Dinner."

On July 17, 1940, the Chef Boiardi Food Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged and not disposed of in violation of the law.

1043. Adulteration and misbranding of egg noodles and macaroni products. U. S. v. 220 Cartons of Egg Noodles and Macaroni Products. Consent decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 1081. Sample Nos. 68701-D to 68706-D, incl., 68708-D, 68709-D, 68711-D, 68712-D, 68714-D to 68720-D, incl., 68722-D to 68725-D, incl.)

These products contained a coal-tar color, tartrazine, which gave them the appearance of products containing a greater amount of egg than was actually present.

On or about November 28, 1939, the United States attorney for the District of Connecticut filed a libel against 220 cartons of egg noodles and macaroni products at West Haven, Conn., alleging that the articles had been shipped in interstate commerce within the period from on or about September 29 to on or about October 21, 1939, by Acme Egg Noodle Corporation from Long Island City, N. Y.; and charging that they were adulterated and misbranded. They were labeled in part, variously: "Dutch Maid Macaroni Products [or "Pure Egg Noodles"]"; or "Egg Noodles in Bulk Fine [or "Medium" or "Broad"]."

The articles were alleged to be adulterated in that a valuable constituent, egg, had been in part omitted therefrom; in that artificially colored products

deficient in egg had been substituted for egg noodles and egg alimentary paste; in that inferiority had been concealed through the addition of artificial color; and in that artificial color had been added thereto so as to make them appear better or of greater value than they were.

The egg noodles were alleged to be misbranded for the reason that the statement "Pure Egg Noodles" was false and misleading as applied to an article that was deficient in egg and contained artificial color; and for the further reason that they were offered for sale under the name of another food, "Egg Noodles."

On May 29, 1940, the claimant having withdrawn its appearance and having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

1044. Adulteration of egg noodles. U. S. v. 28 and 35 Cases of Egg Noodles. Default decrees of condemnation and destruction. (F. D. C. Nos. 2260, 2261. Sample Nos. 16259-E, 16260-E.)

This product contained an artificial color, turmeric.

On or about July 8, 1940, the United States attorney for the Western District of Missouri filed libels against 63 cases of egg noodles at Joplin, Mo., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by the Italian Macaroni Co. from Pittsburg, Kans.; and charging that it was adulterated. It was labeled in part: (Bags) "San Paolo Brand Egg Noodles * * * Made of Fancy Patent Semolina, Fresh Eggs."

The article was alleged to be adulterated in that a substance containing artificial color, turmeric, had been substituted wholly or in part for egg noodles; and in that turmeric, an artificial color, had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

On October 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1045. Misbranding of Chinese noodles. U. S. v. 21 Cases of Chinese Noodles. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1940. Sample No. 12045-E.)

Examination showed that these packages were filled to only one-third of their capacity.

On May 9, 1940, the United States attorney for the District of Nevada filed a libel against 21 cases of Chinese noodles at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the Majestic Paste Co. from San Francisco, Calif.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. It was labeled in part: (Packages) "Chinese Noodles * * * Majestic Brand."

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1046. Misbranding of noodle soup mixture. U. S. v. 12 Cases containing 48 Packages of Noodle Soup Mixture. Default decree of condemnation and destruction. (F. D. C. No. 2219. Sample No. 9432-E.)

This product was represented to be a mixture from which home-style noodle soup could be made. It contained, however, a vegetable protein derivative (monosodium glutamate), an artificial flavor, which was not declared as such and which is not employed in making home-made noodle soup. Moreover, its containers were larger than necessary, the contents occupying not more than 77 percent of their capacity.

On June 17, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 12 cases of noodle soup mixture at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the I. J. Grass Noodle Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Package) "Mrs. Grass' Home Style Noodle Soup Mixture contains * * * Veg. Protein Derivative."

The article was alleged to be misbranded in that the statement on the labeling, "Home Style," was false and misleading as applied to an article containing monosodium glutamate, an artificial flavor not employed in home-made noodle soup; and in that it contained artificial flavoring and did not bear labeling

stating that fact. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1047. Misbranding of noodle soup mixture. U. S. v. 75 Cases of Noodle Soup Mixture. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1972. Sample No. 6478-E.)

These packages contained noodles loosely placed in the box and a small bag of vegetable "concentrate" placed on top of the noodles. The contents occupied less than 70 percent of the volume of the package and the statement of the quantity of contents was inconspicuously placed on the back panel.

On May 15, 1940, the United States attorney for the District of Colorado filed a libel against 75 cases of noodle soup mixture at Denver, Colo., consigned by Ravarino-Freschi, Inc., alleging that the article had been shipped in interstate commerce on or about October 26, 1939, from St. Louis, Mo.; and charging that it was misbranded. It was labeled in part "Zoop."

The article was alleged to be misbranded in that its containers were so made, formed, and filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of the contents required by law to appear on the label or labeling, was not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices, in the labeling as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On June 13, 1940, Ravarino-Freschi, Inc., having accepted service and authorized the taking of final decree, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1048. Misbranding of noodle soup mixture. U. S. v. 200 Cases of "4 Minute Noodle Soup Mix." Default decree of condemnation and destruction. (F. D. C. No. 1958. Sample No. 13651-E.)

This product was packed in a cardboard carton which contained a yellow wax paper envelope partially filled with noodle soup mix. The contents of the envelope, when emptied into the carton, occupied less than one-fourth of its capacity.

On May 11, 1940, the United States attorney for the Western District of Washington filed a libel against 200 cases of noodle soup mix at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Tenderoni, Inc., from Joliet, Ill.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading.

On August 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 1049 to 1061, inclusive, report the institution of criminal proceedings and the judgment entered, in actions based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

1049. Adulteration of butter. U. S. v. George I. Southard (Albin Creamery). Plea of guilty. Fine, \$20. (F. D. C. No. 2870. Sample No. 14726-E.)

On January 21, 1941, the United States attorney for the District of Minnesota filed an information against George I. Southard, trading as the Albin Creamery at Sleepy Eye, Minn., alleging shipment on or about May 24, 1940, from the State of Minnesota into the State of Pennsylvania of a quantity of butter that was adulterated. It was labeled in part: (Boxes) "Frank Hellerick Co., Inc. * * * Phila., Pa."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 21, 1941, a plea of guilty was entered by the defendant and a fine of \$20 was imposed.

1050. Adulteration of butter. U. S. v. Cordie M. Helferich (Arrow Creameries). Plea of guilty. Fine, \$30. (F. D. C. No. 2852. Sample Nos. 10970-E, 10971-E, 10975-E.)

On October 31, 1940, the United States attorney for the District of North Dakota filed an information against Cordie M. Helferich, trading as Arrow Creameries at Hebron, N. Dak., alleging shipment on or about May 7, and on or about May 13, 1940, from the State of North Dakota into the State of New York of quantities of butter which was adulterated. The article was labeled variously: "Jos. J. Herold Co."; "Fortgang Bros."; or "J. R. Kramer, Inc."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 29, 1940, the defendant entered a plea of guilty and was fined \$10 on each of the three counts of the information.

1051. Adulteration and misbranding of butter. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, \$400. (F. D. C. No. 2066. Sample Nos. 70403-D, 71146-D, 71147-D, 71183-D.)

This case involved 2 shipments of butter that was deficient in milk fat. One of these and a third shipment were short weight.

On May 29, 1940, the United States attorney for the District of Colorado filed an information against the Beatrice Creamery Co., a corporation, trading at Pueblo, Colo., alleging shipment within the period from on or about December 3, 1939, to on or about January 5, 1940, from the State of Colorado into the State of New Mexico of quantities of butter, of which one lot was adulterated, one lot was misbranded, and the remaining lot was both adulterated and misbranded. The article was labeled in part: "Queen City Creamery Butter * * * Beatrice Creamery Co." or "Mowry's Golden Glow Butter * * * Mowry Creamery Co."

Two shipments of the article were alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted from the article; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The product in one of these shipments and that in a third shipment was alleged to be misbranded in that the statement "1 lb." borne on the label was false and misleading since the cartons contained less than 1 pound; and in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On October 19, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$400.

1052. Adulteration of butter. U. S. v. The Cudahy Packing Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 2081. Sample No. 79060-D.)

On June 13, 1940, the United States attorney for the Middle District of Tennessee filed an information against the Cudahy Packing Co., a corporation, Nashville, Tenn., alleging shipment on or about October 9, 1939, from the State of Tennessee into the State of Georgia of a quantity of butter which was adulterated. It was labeled in part: (Cartons) "Cudahy's Sunlight Creamery Butter."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On October 25, 1940, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

1053. Adulteration of butter. U. S. v. Dairymen's Co-operative Creamery of Boise Valley. Plea of guilty. Fine, \$80. (F. D. C. No. 2891. Sample Nos. 7306-E, 7314-E, 7341-E, 32040-E.)

On January 22, 1941, the United States attorney for the District of Idaho filed an information against the Dairymen's Cooperative Creamery of Boise Valley, a corporation, Caldwell, Idaho, alleging shipment within the period from on or about March 2 to on or about August 8, 1940, from the State of Idaho, into the State of California of quantities of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 7, 1941, a plea of guilty was entered on behalf of the defendant and a fine of \$80 was imposed.

1054. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Association. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2836. Sample No. 3569-E.)

On October 18, 1940, the United States attorney for the Southern District of Iowa filed an information against the Farmers Cooperative Creamery Association, a corporation, Slater, Iowa, alleging shipment on or about May 16, 1940, from the State of Iowa into the State of New York of a quantity of butter which was adulterated. The article was labeled in part: (Wrappers) "Vita-Gold Sweet Cream Butter * * * Butter Distributed by Danahy-Faxon Stores, Inc., Buffalo, N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 20, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

1055. Adulteration of butter. U. S. v. Perry Kier. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2130. Sample Nos. 10962-E, 85876-D.)

On October 14, 1940, the United States attorney for the District of Kansas filed an information against Perry Kier, Mankato, Kans., alleging shipment on or about February 15 and May 2, 1940, from the State of Kansas into the State of New York, of quantities of butter that was adulterated. It was labeled in part: "Butter S. & W. Waldbaum Inc. Distributors New York, N. Y."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter.

On December 2, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

1056. Adulteration of butter. U. S. v. George I. Southard and Mrs. Emma Southard (Pickwick Creamery). Pleas of guilty. Imposition of sentence suspended. Defendants placed on probation for 18 months. (F. D. C. No. 2869. Sample No. 14604-E.)

On January 28, 1941, the United States attorney for the District of Minnesota filed an information against G. I. Southard and Mrs. Emma Southard, copartners, trading as the Pickwick Creamery at Lamoille, Minn., alleging shipment on or about May 29, 1940, from the State of Minnesota into the State of Pennsylvania of a quantity of butter that was adulterated. It was labeled in part: "Frank Hellerick Co., Inc., Phila., Pa."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 28, 1941, pleas of guilty having been entered by the defendants, imposition of sentence was suspended and they were placed on probation for 18 months.

1057. Adulteration of butter. U. S. v. George W. Romine, Cecil E. Romine, Joe B. Romine, and Kelsie R. Romine (Romine's Creamery Co.). Plea of guilty. Fine, \$35 and costs. (F. D. C. No. 2065. Sample Nos. 89412-D, 89414-D.)

On June 3, 1940, the United States attorney for the District of Kansas filed an information against George W. Romine, Cecil E. Romine, Joe B. Romine, Kelsie R. Romine, copartners trading as Romine's Creamery Co., at Osage City, Kans., alleging shipment within the period from on or about January 30 to on or about February 2, 1940, from the State of Kansas into the State of Illinois of a quantity of butter that was adulterated. It was labeled in part: "Creamery Butter Distributed by Dauber Bros. Chicago."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On December 2, 1940, a plea of guilty was entered by the defendants and the court imposed a fine of \$35 and costs.

1058. Adulteration of butter. U. S. v. Stanton Cooperative Creamery. Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2840. Sample Nos. 10961-E, 85875-D.)

On October 26, 1940, the United States attorney for the District of Nebraska filed an information against the Stanton Cooperative Creamery, a corporation, Stanton, Nebr., alleging shipment on or about February 15 and May 2, 1940, from the State of Nebraska into the State of New York of a quantity of butter

that was adulterated. The article was labeled in part: "Creamery Butter Distributed by Dairy & Poultry Co-op. Inc. * * * New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly and in part for butter.

On November 8, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

1059. Adulteration of butter. U. S. v. Harding Cream Division of Sugar Creek Creamery Co. Plea of guilty. Fine, \$10 and costs. (F. D. C. No. 2076. Sample No. 72139-D.)

On June 13, 1940, the United States attorney for the District of Kansas filed an information against the Harding Cream Division of the Sugar Creek Creamery Co., a corporation at Salina, Kans., alleging shipment on or about January 25, 1940, from the State of Kansas into the State of Missouri of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 27, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10 and costs.

1060. Adulteration of butter. U. S. v. Talbot, Woods & Co., Inc. Plea of guilty. Fine, \$2. (F. D. C. No. 2083. Sample Nos. 72147-D, 72148-D.)

On August 7, 1940, the United States attorney for the District of Kansas filed an information against Talbot, Woods & Co., Inc., Kansas City, Kans., alleging shipment on or about February 19 and 20, 1940, from the State of Kansas into the State of Missouri of quantities of butter that was adulterated. It was labeled in part: "Creamery Butter * * * Country Club Dairy."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On September 10, 1940, a plea of guilty having been entered on behalf of the defendant, a fine of \$2 was imposed.

1061. Adulteration of butter. U. S. v. Webster Creamery Co. Plea of guilty. Fine, \$25. (F. D. C. No. 2848. Sample No. 33312-E.)

On October 23, 1940, the United States attorney for the District of South Dakota filed an information against the Webster Creamery Co., a corporation, at Webster, S. Dak., alleging shipment on or about June 3, 1940, from the State of South Dakota into the State of New York of a quantity of butter that was adulterated. It was labeled in part: "Butter Distributed By F. F. Lowenfels & Son New York."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a substance which contained less than 80 percent by weight of milk fat had been substituted for butter.

On December 3, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

Nos. 1062 to 1086 report the seizure and disposition of butter which contained less than 80 percent of milk fat.

1062. Adulteration and misbranding of butter. U. S. v. 13 Tubs and 29 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3147, 3211. Sample Nos. 34151-E, 34165-E.)

On September 27 and October 5, 1940, the United States attorney for the Southern District of New York filed libels against 42 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 13 and 21, 1940, by the Ashley Creamery from Ashley, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed By Zimmer & Dunkak, Inc. * * * New York, N. Y."

It was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the package was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On October 21, 1940, the Ashley Creamery, claimant, having admitted the allegations of the libels and the actions having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so as to contain at least 80 percent by weight of milk fat.

1063. Adulteration of butter. U. S. v. 30 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3628. Sample No. 52277-E.)

On December 23, 1940, the United States attorney for the District of Oregon filed a libel against 30 cubes of butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about December 11, 1940, by Benewah Creamery, Inc., from Spokane, Wash.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "American Produce Company, Portland, Oregon."

On January 3, 1941, the Benewah Creamery, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

1064. Adulteration of butter. U. S. v. 50 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3405. Sample No. 31625-E.)

On or about November 7, 1940, the United States attorney for the Northern District of Illinois filed a libel against 50 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 17, 1940, by the Benson Cooperative Creamery Co. from Cedar Falls, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was labeled in part: "Butter Gt. A & P Tea Co. N. Y. Distributors."

On November 12, 1940, the Benson Cooperative Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1065. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3146. Sample No. 34150-E.)

On September 27, 1940, the United States attorney for the Southern District of New York filed a libel against 11 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by the Cold Springs Creamery from Cold Springs, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Breakstone Bros., Inc., Distributors New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter" was false and misleading since it contained less than 80 percent of milk fat.

On December 5, 1940, the Cold Springs Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent by weight of milk fat.

1066. Adulteration and misbranding of butter. U. S. v. 25 Tubs and 26 Tubs of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3205, 3210. Sample Nos. 34152-E, 34164-E.)

On October 4 and 8, 1940, the United States attorney for the Southern District of New York filed libels against 51 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 13 and 21, 1940, by the Eureka Creamery, of Eureka, S. Dak., from Linton, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed By Zimmer & Dunkak, Inc. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged

to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On October 21, 1940, the Eureka Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so as to contain at least 80 percent by weight of milk fat.

1067. Adulteration and misbranding of butter. U. S. v. 195 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2228. Sample No. 3569-E.)

On June 7, 1940, the United States attorney for the Western District of New York filed a libel against 195 cartons of butter at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about May 21, 1940, by the Farmers Co-Operative Creamery Association from Slater, Iowa; and charging that it was adulterated and misbranded. It was labeled in part: (Parchment wrapper) "Vita-Gold Sweet Cream Butter Distributed by Danahy-Faxon Stores, Inc. Buffalo, N. Y."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On July 15, 1940, the Farmers Co-Operative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent milk fat.

1068. Adulteration and misbranding of butter. U. S. v. 16 Cartons and 7 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3212, 3214. Sample Nos. 34166-E, 34168-E.)

On October 4 and 5, 1940, the United States attorney for the Southern District of New York filed a libel against 23 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 14 and 21, 1940, by the Farmers Union Cooperative Creamery from Portland, N. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Dist. by Zimmer & Dunkak, Inc. New York, N. Y."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On October 21, 1940, the Farmers Union Cooperative Creamery, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

1069. Adulteration and misbranding of butter. U. S. v. 11 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3209. Sample No. 34162-E.)

On October 5, 1940, the United States attorney for the Southern District of New York filed a libel against 11 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19, 1940, by the Flandreau Cooperative Creamery from Flandreau, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Dairy & Poultry Co. Inc. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On October 21, 1940, the Flandreau Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

1070. Adulteration of butter. U. S. v. 8 Boxes of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2732. Sample No. 30557-E.)

On or about August 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against eight boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the Fort Madison Creamery from Fort Madison, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Distributed by Beatrice Creamery Co. * * * Chicago."

On October 30, 1940, the Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1071. Adulteration of butter. U. S. v. 34-23/30 Cases and 3 Millers of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3173. Sample No. 16171-E.)

On September 26, 1940, the United States attorney for the District of Kansas filed a libel against 34 23/30 cases of print butter and 3 millers (cubes) of butter at Kansas City, Kan., alleging that the article had been shipped in interstate commerce on or about September 18, 1940, by the Harding Cream Co. from Kansas City, Mo.; and charging that it was adulterated. The print butter was labeled in part: "Springtime Brand Butter Churned By Talbot, Woods & Co. Kansas City, Kans."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

On October 3, 1940, Talbot, Woods & Co., Kansas City, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

1072. Adulteration of butter. U. S. v. 70 Cubes of Butter, Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2584. Sample Nos. 30536-E, 30529-E.)

On or about August 1, 1940, the United States attorney for the Northern District of Illinois filed a libel against 70 cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by the Hudson Co-Operative Dairy Association from Hudson, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Gr. A. & P. Tea Co. N. Y. Distributors."

On August 8, 1940, the Hudson Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it contain at least 80 percent of milk fat.

1073. Adulteration and misbranding of butter. U. S. v. 14 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3204. Sample No. 34089-E.)

On or about October 9, 1940, the United States attorney for the District of New Jersey filed a libel against 14 cartons of butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about September 22, 1940, by Kilkenny Co-Operative Creamery Association from Kilkenny, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Packed for M. Augenblick & Bro., Inc. Newark, N. J."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement "Butter" was false and misleading.

On November 18, 1940, the Kilkenny Co-Operative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1074. Adulteration and misbranding of butter. U. S. v. 17 Cartons and 45 Cartons of Butter. Consent decrees of condemnation. Product ordered released under bond to be reworked. (F. D. C. Nos. 3208, 3213. Sample Nos. 34161-E, 34167-E.)

On October 4 and 7, 1940, the United States attorney for the Southern District of New York filed libels against 62 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 19 and 21, 1940, by the Landsberger Creamery & Produce Co., of Sisseton, S. Dak., in pool car shipped from Minneapolis, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Distributed By Gude Bros. Kieffer Co. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent by weight of milk fat.

On October 25, 1940, the Landsberger Creamery & Produce Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

1075. Adulteration and misbranding of butter. U. S. v. 10 Cubes of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Portion of the product released under bond to be reworked. Remainder delivered to a charitable institution. (F. D. C. Nos. 2395, 3175, 3252, 3283. Sample Nos. 12528-E, 20719-E, 24515-E, 24519-E.)

Between July 2 and October 18, 1940, the United States attorneys for the Northern District of California, the Southern District of Florida, and the Middle District of Pennsylvania filed libels against 10 cubes of butter at San Francisco, Calif.; 19 cases of print butter at Jacksonville, Fla.; and 45 cases of print butter at Nanticoke, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about June 15 to October 2, 1940, by the Armour Creameries from Pocatello, Idaho; Dublin, Ga.; and Mitchell, S. Dak.; and charging that it was adulterated and misbranded. The print butter was labeled in part: "Gold Band Creamery Butter" or "Armour's Cloverbloom Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The lots seized at San Francisco, Calif., and Nanticoke, Pa., were alleged to be misbranded in that the article was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On September 11 and October 31, 1940, the Armour Creameries, claimant for the lots seized at San Francisco and Nanticoke having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be reworked to the legal standard. On November 4, 1940, no claim or answer having been filed in the action at Jacksonville, Fla., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1076. Adulteration and misbranding of butter. U. S. v. 13 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3281. Sample No. 34174-E.)

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against 13 cartons of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about September 24, 1940, by Lewisville Farmers Creamery Association from Lewisville, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunnyfield A & P Butter The Great Atlantic & Pacific Tea Co."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement on the label, "Butter," was false and misleading since it was not correct.

On November 29, 1940, the Lewisville Farmers Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1077. Adulteration of butter. U. S. v. 168 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. 3254. Sample Nos. 31207-E, 31605-E.)

On or about October 11, 1940, the United States attorney for the Northern District of Illinois filed a libel against 168 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by the Meriden Creamery Co. from Kansas City, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 17, 1940, the Meriden Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

1078. Adulteration and misbranding of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3258. Sample No. 36617-E.)

On October 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 16 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about September 25, 1940, by Midwest Dairy Dispatch from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Glenwood Sanitary Dairy Glenwood, Minn. * * * First National Stores Somerville, Mass."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On October 18, 1940, the Pipestone Produce Co., of Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1079. Adulteration of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3407. Sample No. 36637-E.)

On November 9, 1940, the United States attorney for the District of Massachusetts filed a libel against three tubs of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 5, 1940, by the North Danville Creamery from North Danville, Vt.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "W. H. Lerner & Sons Boston, Mass."

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1080. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2763. Sample No. 36087-E.)

On August 29, 1940, the United States attorney for the District of Massachusetts filed a libel against 13 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about August 17, 1940, by the Pipestone Produce Co. from Pipestone, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter Edgerton Creamery Edgerton, Minn."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On September 10, 1940, the Pipestone Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent by weight of milk fat.

1081. Adulteration of butter. U. S. v. 16 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2352. Sample No. 30511-E.)

On June 19, 1940, the United States attorney for the Northern District of Illinois filed a libel against 16 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by Pruitt Produce from Ardmore, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors."

On July 26, 1940, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it contain 80 percent of milk fat.

1082. Adulteration of butter. U. S. v. 96 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2506. Sample Nos. 30522-E, 30527-E.)

On or about July 18, 1940, the United States attorney for the Northern District of Illinois filed a libel against 96 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1940, by Saline County Milk Producers Association from Marshall, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "S. S. Borden Co. Chicago, Distributor."

On July 22, 1940, the Saline County Milk Producers Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so as to contain at least 80 percent by weight of milk fat.

1083. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3288. Sample No. 34176-E.)

On October 9, 1940, the United States attorney for the Southern District of New York filed a libel against 15 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by the Wallace Creamery, of Wallace, S. Dak., in a pool car shipped from Minneapolis, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Butter Distributed by Dairy & Poultry Coop. Inc. * * * New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On October 21, 1940, the Wallace Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent milk fat.

1084. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2507. Sample No. 4941-E.)

On or about July 18, 1940, the United States attorney for the Northern District of Illinois filed a libel against 25 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 24, 1940, by the W. D. Wright Produce Co. from Hobart, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter The Peter Fox Sons Co. Distributors."

On August 2, 1940, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond, conditioned that it be reworked so that it comply with the law.

1085. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3052. Sample No. 9877-E.)

The product contained mold in addition to being deficient in milk fat.

On or about August 19, 1940, the United States attorney for the Western District of Louisiana filed a libel against five cases of butter at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by the Fort Worth Poultry & Egg Co. from Dallas, Tex.; and charging that it was adulterated and misbranded,

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter" and was not in fact butter as required by law.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1086. Adulteration of butter. U. S. v. 26 Boxes of Butter. Consent decree of condemnation and destruction. (F. D. C. No. 3296. Sample No. 31616-E.)

This product contained filth in addition to being deficient in milk fat.

On October 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 26 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 25, 1940, by the Sni-A-Bar Creamery Co., from Independence, Mo.; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance. It was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 17, 1940, the Sni-A-Bar Creamery Co. having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1087 to 1092, inclusive, and 1094 report the seizure and disposition of butter which contained mold.

1087. Adulteration of butter. U. S. v. 58 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2370. Sample No. 20106-E.)

Samples of this product were found to contain mold, rodent hairs, and other filth.

On July 8, 1940, the United States attorney for the Northern District of Georgia filed a libel against 58 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about June 12 and June 19, 1940, by Mountain Valley Cooperative, Inc., from Brasstown, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance. The article was labeled in part: "Kingan's Reliable * * * Butter, Kingan & Co. General Offices, Indianapolis, Ind."

On August 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1088. Adulteration of butter. U. S. v. 116 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be used for animal feed. (F. D. C. No. 3107. Sample No. 30567-E.)

On or about September 17, 1940, the United States attorney for the Northern District of Illinois filed a libel against 116 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 20, 1940, by Frank Pilley & Sons, Inc., from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Manufactured by Frank Pilley and Sons * * * Miles Friedman, Inc. Chicago Illinois Distributors."

On November 18, 1940, Frank Pilley & Sons, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be converted into condensed butter-milk for animal feed.

1089. Adulteration of butter. U. S. v. 15 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3525. Sample No. 36965-E.)

On December 2, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 cartons of butter at Boston, Mass., alleging that the article had been shipped in interstate commerce within the period from on or about October 16, to on or about October 30, 1940, by the Davis-Cleaver Produce Co. from Quincy, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Netherland Brand Butter."

On January 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1090. Adulteration of butter. U. S. v. 2,205 Pounds of Butter. Consent decree of condemnation. Product ordered released under bond for melting and incorporating into buttermilk for animal feed, but not for human consumption. (F. D. C. No. 2581. Sample No. 27051-E.)

On August 8, 1940, the United States attorney for the Southern District of Ohio filed a libel against 2,205 pounds of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about August 6, 1940, from Springfield, Mo., by the Merchants Creamery Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On September 9, 1940, the Merchants Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be melted and incorporated with buttermilk and disposed of for animal feed.

1091. Adulteration of butter. U. S. v. 4 Cases and 16 Cases of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 2756, 3015. Sample Nos. 9645-E, 9875-E, 9876-E.)

On or about August 16 and 19, 1940, the United States attorneys for the Southern District of Alabama and the Western District of Louisiana filed libels against 4 cases of butter at Mobile, Ala., and 16 cases at Shreveport, La., alleging that the article had been shipped in interstate commerce on or about July 29 and August 6, 1940, by Swift & Co., from West Point, Miss., and Paris, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part, variously: "Southern Belle Creamery Butter Distributed by Swift & Company," or "Big Chain Country Roll [or "Creamery"] Butter Distributed by Big Chain Stores, Inc., Shreveport, La."

On November 29 and December 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1092. Adulteration of packing stock butter. U. S. v. 16 Tubs, 10 Drums, and 1 Barrel of Packing Stock Butter. Consent decree of condemnation. Product ordered released under bond for destruction of unfit portion. (F. D. C. No. 2582. Sample Nos. 28425-E to 28430-E, incl.)

This product contained various types of filth, such as, maggots, rodent hairs and excreta, insects, mold, and miscellaneous dirt.

On July 26, 1940, the United States attorney for the District of Maryland filed a libel against 16 tubs, 10 drums, and 2 barrels containing a total of 5,810½ pounds of packing stock butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 17 and 18, 1940, in various lots from Roanoke, Bristol, Meadowview, Abingdon, Glade Spring, and Christiansburg, Va.; and Bristol, Tenn., by truck owned and operated by Eyster B. Bidle; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 16, 1940, J. W. Buffington & Co., of Baltimore, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. All portions of the product which were contaminated with filth were removed and destroyed and the fit portion was disposed of in the manufacture of process butter.

1093. Adulteration of packing stock butter. U. S. v. 125 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2580. Sample No. 20814-E.)

This product contained rodent hairs, fragments of rodent excreta, and insect fragments and larvae.

On July 31, 1940, the United States attorney for the Northern District of Georgia filed a libel against 125 pounds of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by the A. T. Daugherty Produce Co. from Athens, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1094. Adulteration of packing-stock butter. U. S. v. 2 Drums of Packing-Stock Butter. Default decree of condemnation and destruction. (F. D. C. No. 2583. Sample No. 28433-E.)

Samples of this product were found to contain various types of filth such as maggots, flies, ants, rodent hairs, fragments of insects, mold, and other extraneous matter.

On July 31, 1940, the United States attorney for the District of Maryland filed a libel against two drums of packing-stock butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, from Hiddenite, N. C., by truck owned by B. M. Miller and operated by Roy D. Hines.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1095. Adulteration of packing-stock butter. U. S. v. 2,000 Pounds and 5 Drums (1,800 Pounds) of Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 2578, 2579. Sample Nos. 20119-E, 20812-E.)

This product contained rodent hairs, fragments of rodent excreta, and insect fragments and larvae.

On July 29 and 31, 1940, the United States attorney for the Northern District of Georgia filed libels against 3,800 pounds of packing-stock butter in Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to on or about July 27, 1940, by Rosemary Creamery, Inc., from various points in the States of Alabama and North Carolina; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 7, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1096. Misbranding of butter. U. S. v. 13 Cases of Butter. Decree of condemnation. Product released under bond. (F. D. C. No. 2141. Sample No. 12254-D.)

This product was short weight.

On May 15, 1940, the United States attorney for the Northern District of California filed a libel against 13 cases of butter at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by Minden Butter Co. from Minden, Nev., and charging that it was misbranded. The article was labeled in part: "Windmill Brand Butter One Pound Net."

It was alleged to be misbranded in that it was labeled "One Pound Net," which was false and misleading since the package contained less than that amount. It was alleged to be misbranded further in that it was a food in package form and did not bear an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

On June 4, 1940, the Minden Butter Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

CHEESE

1097. Misbranding of grated cheese. U. S. v. 70 Cases of Grated Cheese. Consent decree entered. Product released under bond. Contents condemned and ordered destroyed. (F. D. C. No. 1687. Sample No. 98687-D.)

The packages containing this product were filled to only about 71 percent of their capacity.

On March 23, 1940, the United States attorney for the Eastern District of New York filed a libel against 79 cases of grated cheese at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 13, 1940, by the Stella Cheese Co. from Campbellsport, Wis.; and

charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Stella Brand Grated Parmesan Cheese."

On June 8, 1940, the Stella Cheese Co., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be delivered to the claimant upon the execution of a bond conditioned that the contents be removed from the containers. It was ordered further that the containers be condemned and destroyed.

1098. Adulteration of Limburger cheese. U. S. v. 181 Bricks of Limburger Cheese. Default decree of condemnation and destruction. (F. D. C. No. 2706. Sample No. 24125-E.)

This product contained insect fragments.

On August 28, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 181 bricks of Limburger cheese at Lancaster, Pa., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by Anken & Feuz from Syracuse, N. Y., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Anken-Käse True Limburger Cheese."

On September 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1099. Adulteration of Limburger cheese. U. S. v. 6 Boxes of Limburger Cheese. Default decree of condemnation and destruction. (F. D. C. No. 1925. Sample No. 4126-E.)

Examination showed that this product contained insect fragments.

On May 8, 1940, the United States attorney for the Northern District of Illinois filed a libel against six boxes of Limburger cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by Arn & Zweifel Co. from Monticello, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

EGGS

1100. Adulteration of eggs. U. S. v. 156 Cases of Eggs. Default decree of condemnation and destruction. (F. D. C. No. 1969. Sample No. 33084-E.)

This product was in whole or in part decomposed.

On May 14, 1940, the United States attorney for the District of New Jersey filed a libel against 156 cases of eggs at Pine Brook, N. J., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by L. T. Barner from Richfield, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On August 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1101. Adulteration of shell eggs. U. S. v. 25 Cases of Shell Eggs. Default decree of condemnation and destruction. (F. D. C. No. 2402. Sample No. 6585-E.)

Examination showed the presence of decomposed eggs in this shipment.

On July 25, 1940, the United States attorney for the District of New Mexico filed a libel against 25 cases of shell eggs at Hobbs, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 16, 1940, by the Furr Food Stores, Inc., from Lubbock, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1102. Adulteration of shell eggs. U. S. v. 340 Cases of Eggs. Consent decree of condemnation. Product released under bond. (F. D. C. No. 2484. Sample No. 4554-E.)

Examination showed the presence of decomposed eggs in this shipment.

On or about August 8, 1940, the United States attorney for the Northern District of Illinois filed a libel against 340 cases of eggs at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by the Klass Produce Co. from Sioux City, Iowa; and charging

that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On August 12, 1940, Louis Klass doing business as Klass Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the eggs be sorted to separate the fit from the unfit and that both be disposed of in compliance with the law.

1103. Adulteration of frozen eggs. U. S. v. 171 and 400 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond. (F. D. C. No. 2198. Sample Nos. 12015-E, 12016-E.)

This product was in part decomposed.

On June 11, 1940, the United States attorney for the Northern District of California filed a libel against 571 cans of frozen eggs at Oakland, Calif. alleging that the article had been shipped in interstate commerce on or about May 17 and 21, 1940, by Edward Aaron, Inc., from Fort Scott, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Fancy Gold Bond Frozen Fresh Whole Eggs."

On June 13, 1940, Edward Aaron, Inc., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be made to comply with the law under the supervision of the Food and Drug Administration.

1104. Adulteration of frozen whole eggs. U. S. v. 2,397 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2399. Sample No. 12025-E.)

Examination showed the presence of putrid eggs.

On July 19, 1940, the United States attorney for the Northern District of California filed a libel against 2,397 cans of frozen whole eggs at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 14, 1940, by the De Soto Creamery & Produce Co. from Fargo, N. Dak.; and charging that it was adulterated in that it consisted in whole or in part of a putrid or decomposed substance or was otherwise unfit for food.

On July 25, 1940, the De Soto Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be made to comply with the provisions of the law under the supervision of the Food and Drug Administration.

1105. Adulteration of frozen whole eggs. U. S. v. 408 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2013. Sample Nos. 7552-E, 7836-E.)

Examination showed the presence of putrid and sour eggs.

On May 23, 1940, the United States attorney for the Southern District of California filed a libel against 408 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 3, 1940, by the Jerpe Commission Co., Inc., from Omaha, Nebr.; and charging that it was adulterated in that it contained a putrid or decomposed substance and was unfit for food in that it contained putrid or sour eggs.

On June 10, 1940, the Jerpe Commission Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

1106. Adulteration of frozen eggs. U. S. v. 137 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond conditioned that unfit portion be denatured. (F. D. C. No. 1929. Sample No. 10156-E.)

These eggs were in part sour and decomposed.

On May 8, 1940, the United States attorney for the Eastern District of New York filed a libel against 137 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 9 and 23, 1940, by Swift & Co. from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food.

On June 10, 1940, Swift & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered

released under bond conditioned that the portion found unfit for human consumption be denatured so that it could be used only for tanning or other technical purposes.

FISHERIES PRODUCTS

CRAB MEAT

Nos. 1107 to 1116, inclusive, report the seizure and disposition of crab meat which contained evidence of the presence of filth.

1107. Adulteration of crab meat. U. S. v. 70 1-Pound Cans of Crab-Meat. Default decree of condemnation and destruction. (F. D. C. No. 2238. Sample No. 9982-E.)

On June 13, 1940, the United States attorney for the District of Maryland filed a libel against 70 1-pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 10, 1940, by the East End Fish & Oyster Co. from Biloxi, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions. The article was labeled in part: (Tag) "For Chas. Carroll & Co., Baltimore Md. From East End Fish and Oyster Co. * * * Biloxi, Miss."

On July 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1108. Adulteration of crab meat. U. S. v. 5 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2179. Sample Nos. 9426-E, 9427-E.)

On May 31, 1940, the United States attorney for the District of Maryland filed a libel against five barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the East End Fish & Oyster Co. from Ocean Springs, Miss.; and charging that it was adulterated. It was labeled in part: (Shipping tag on barrels) "For Chas. Carroll & Co. Baltimore, Md. * * * From East End Fish and Oyster Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On June 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1109. Adulteration of crab meat. U. S. v. 58 Cans and 46 Cans of Crab Meat (and 1 other seizure action against crab meat). Default decrees of condemnation and destruction. (F. D. C. Nos. 2144, 2178. Sample Nos. 9572-E, 9822-E, 9823-E.)

On May 24 and 31, 1940, the United States attorney for the District of Maryland filed libels against 104 cans, 1 barrel containing 105 cans, and 1 box containing 26 cans, of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 21 and 28, 1940, by R. Fournier & Sons from Ocean Springs, Miss.; and charging that it was adulterated. It was labeled in part: (Shipping tag) "For E. W. Albaugh & Son [or "For J. J. McDonnell & Co."] Baltimore, Md. * * * From R. Fournier & Sons Shippers * * * Biloxi, Miss."

The article in both lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and one lot was alleged to be adulterated further in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On June 24, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1110. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2280. Sample No. 20059-E.)

On June 18, 1940, the United States attorney for the District of Maryland filed a libel against 2 barrels, containing a total of 98 one-pound cans, of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 16, 1940, by L. P. Maggioni & Co. from Savannah, Ga.; and charging that it was adulterated in that it consisted in whole or in part

of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions. It was labeled in part: (Tag) "For Chesapeake Packg Co. Baltimore, Md. From L. P. Maggioni & Co. Savannah, Ga."

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1111. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2237. Sample No. 9408-E.)

On June 13, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1 barrel, containing 100 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 10, 1940, by the George Martin Seafood Co. from Westwego, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1112. Adulteration of crab meat. U. S. v. Sixty-nine One-pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2326. Sample Nos. 35103-E, 35104-E.)

On June 20, 1940, the United States attorney for the District of Maryland filed a libel against sixty-nine 1-pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 17, 1940, by the Ozio Fisheries, Inc., from Morgan City, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions. The article was labeled in part: (Tags) "Atlantic Fish Company Wholesale Fish Market Baltimore, Md. From Ozio Fisheries, Inc. Morgan City, Louisiana."

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1113. Adulteration of crab meat. U. S. v. 2 Barrels Containing 175 1-pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2143. Sample Nos. 9570-E, 9571-E.)

On May 24, 1940, the United States attorney for the District of Maryland filed a libel against 2 barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 21, 1940, by the Ray Canaan Co. from Ocean Springs, Miss.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance. The article was labeled in part: (Tags) "For Wm. F. Owens Baltimore, Md. Ray Canaan Co. * * * Biloxi, Miss."

On June 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1114. Adulteration of crab meat. U. S. v. 50 Cans and 25 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 2182, 2279. Sample Nos. 9236-E, 9728-E.)

On or about June 6 and 16, 1940, the United States attorneys for the District of Columbia and the Northern District of Ohio filed libels against 50 cans of crab meat at Washington, D. C., and 25 cans of crab meat at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 3 and 11, 1940, by the Riverside Packing Co., Inc., from Berwick, La.; and charging that it was adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On June 24 and July 16, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1115. Adulteration of crab meat. U. S. v. 61 Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2324. Sample No. 20060-E.)

On June 20, 1940, the United States attorney for the District of Maryland filed a libel against sixty-one 1-pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 18, 1940, by A. S. Varn from Savannah, Ga. and charging that it was adulterated. It was labeled in part: "Chesapeake Packing Co. * * * Wholesale Fish Market Baltimore Maryland."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions, whereby it might have become contaminated with filth, or whereby it might have been rendered injurious to health.

On July 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1116. Adulteration of crab meat. U. S. v. 2 Drums of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2325. Sample No. 35018-E.)

This product was in part decomposed in addition to being filthy.

On June 24, 1940, the United States attorney for the District of Maryland filed a libel against 2 drums containing 90 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 21, 1940, by the Silver Shell Oyster Co. from Coden, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions. It was labeled in part: (Tags) "To Newcastle Fish Co. Baltimore From Silver Shell Oyster Co."

On July 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1117. Adulteration of canned crab meat. U. S. v. 149 Cases of Crab Meat. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 691. Sample No. 72815-D.)

This product was in part decomposed.

On October 6, 1939, the United States attorney for the Northern District of California filed a libel against 149 cases of canned crab meat at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 22, 1939, by the Seaside Clam Co. from Astoria, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 4, 1941, E. C. Demning, trading as the Seaside Clam Co., claimant, having admitted the allegations of the libel, judgment was entered nunc pro tunc as of December 5, 1939, condemning the product but providing that it might be released under bond conditioned that it should not be sold or otherwise disposed of in violation of the law.

FROZEN FISH

Nos. 1118 to 1125, inclusive (except 1123), report the seizure and disposition of frozen fish which was in whole or in part decomposed.

1118. Adulteration of cod fillets. U. S. v. 140 Boxes of Fillets. Default decree of condemnation and destruction. (F. D. C. No. 2431. Sample No. 15341-E.)

On July 24, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 140 boxes of cod fillets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the Genoa Fisheries, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Genoa Brand Frosted Skinless Cod Fillets."

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1119. Adulteration of frozen haddock. U. S. v. 184 Cases of Haddock Fillets and 133 Cases of Skinless Haddock. Default decree of condemnation and destruction. (F. D. C. No. 2670. Sample Nos. 44427-E, 44430-E, 44431-E, 44432-E.)

On August 24, 1940, the United States attorney for the District of Colorado filed a libel against 317 cases of fish at Denver, Colo. (consigned by the Atlantic Quick Freeze Co.), alleging that the article had been shipped in interstate commerce on or about August 8, 1940, from New Bedford, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Case) "L. B. Goodspeed, Inc. Fancy Frosted Haddock Fillets * * * 25 Fish Pier Boston, Mass."; or "Skinless Haddock."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1120. Adulteration of frozen fish. U. S. v. 362 Boxes of Ocean Perch Fillets and 1,334 Cases of Whiting. Default decrees of condemnation and destruction. (F. D. C. Nos. 2508, 2740. Sample Nos. 35085-E, 44441-E.)

On August 8 and September 6, 1940, the United States attorneys for the Southern District of Texas and the District of Colorado filed libels against 1,334 boxes of whiting at Houston, Tex., and 362 cases of ocean perch fillets at Denver, Colo. (consigned by the Gloucester Seafoods Corporation), alleging that the articles had been shipped in interstate commerce on or about June 1 and August 19, 1940, from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Frosted H & G Whiting" or "Ocean Perch Layer Packed Frosted Fillets."

On September 10 and October 8, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1121. Adulteration of ocean perch. U. S. v. 70 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 2735. Sample No. 20262-E.)

On September 3, 1940, the United States attorney for the Northern District of Georgia filed a libel against 70 boxes of ocean perch at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 20, 1940, by the New England Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Layer Packed Frosted Fillets Gloucester Seafood Corp., Gloucester, Mass."

On September 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1122. Adulteration of perch. U. S. v. 110 Boxes of Perch Fillets. Default decree of condemnation and destruction. (F. D. C. No. 2470. Sample No. 30542-E.)

Examination showed the presence of parasitized fish in this shipment.

On August 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 110 boxes of perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 24, 1940, by Mantia & Sons from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Georges Bank Brand Fish * * * Perch Fillets."

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1123. Adulteration of frozen perch. U. S. v. 82 Boxes of Frozen Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 2403. Sample No. 4399-E.)

This product was in whole or in part parasitized and decomposed.

On July 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against 82 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1940, by Slade Gorton Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Red Perch Fillets * * * T. & J. Busalacchi Inc. Fish Fillets Deep Sea Brand Boston, Mass."

On September 25, 1940, the Slade Gorton Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1124. Adulteration of frozen pollock fillets. U. S. v. 163 Boxes of Pollock Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 2281. Sample No. 4393-E.)

On July 1, 1940, the United States attorney for the Northern District of Illinois filed a libel against 163 boxes of pollock fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 14, 1940, by the Cape Ann Sea Food Corporation from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Boxes) "Cape Ann Brand Pollock Fillets Packed by Cape Ann Fisheries Inc."

On July 8, 1940, the Atlantic Fish & Oyster Co. of Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1125. Adulteration of frozen sole. U. S. v. 10 Cartons of Boneless Fish. Default decree of condemnation and destruction. (F. D. C. No. 2520. Sample No. 44926-E.)

Examination showed the presence of decomposed fish.

On August 9, 1940, the United States attorney for the District of Colorado filed a libel against 10 cartons of frozen fish at Denver, Colo. (consigned by the Booth Fisheries Corporation), alleging that the article had been shipped in interstate commerce on or about July 27, 1940, from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Package) "Boneless Fish Tastyloins."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

1126. Adulteration of canned sardines. U. S. v. 948 Cases of Sardines. Default decree of condemnation and destruction. (F. D. C. No. 2363. Sample No. 28058-E.)

Examination showed the presence of decomposed sardines.

On July 15, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 948 cases of sardines at Petersburg, Va., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Belfast Packing Co. from Belfast, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Maine-Maid Brand American Sardines."

On July 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1127. Adulteration of whitefish. U. S. v. 23 Boxes of Whitefish. Consent decree of condemnation. Product converted into fertilizer. (F. D. C. No. 2606. Sample No. 30189-E.)

This product contained parasitic worms.

On August 21, 1940, the United States attorney for the Northern District of Illinois filed a libel against 23 boxes of whitefish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by the American Fish Co. from Detroit, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 23, 1940, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

1128. Adulteration of fish. U. S. v. 8 Boxes of Fish. Consent decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 2607. Sample No. 30190-E.)

This product contained parasitic worms.

On August 21, 1940 the United States attorney for the Northern District of Illinois filed a libel against eight boxes of whitefish at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by the Salasnek Fish House from Detroit, Mich.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Tag) "To Robbins, Inc., Chicago, Illinois."

On August 26, 1940, Robbins, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered converted into fertilizer.

1129. Adulteration of whitefish. U. S. v. 10 Boxes of Whitefish. Default decree of condemnation and destruction. (F. D. C. No. 2813. Sample No. 1546-E.)

This product contained parasitic worms.

On September 12, 1940, the United States attorney for the District of Maryland filed a libel against 10 boxes of whitefish at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 7, 1940, by the Main Fish Co., Ltd., from Montreal, Canada; and charging that it

was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Scherlis & Katz * * * Baltimore, Md. Whitefish * * * The Main Fish Co. Montreal Que."

On October 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH FRUITS

1130. Adulteration of apples. U. S. v. 29 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 2505. Sample No. 24067-E.)

This product contained excessive lead.

On July 23, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 29 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 22, 1940, by E. R. Leonard from Richmond, N. J.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1131. Adulteration of apples. U. S. v. 39 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 2439. Sample No. 24021-E.)

This product contained excessive lead.

On July 16, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 39 bushels of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 12, 1940, by Townsend's from Selbyville, Del.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1132. Adulteration of huckleberries. U. S. v. 3 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2724. Sample No. 24473-E.)

Examination showed this product to be infested with maggots.

On August 27, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against three crates of huckleberries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 25, 1940, by Maurice M. Mick from Berlin, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 10, 1940, no claimant having appeared, judgment of condemnation and destruction was entered and the product was ordered destroyed.

OIL-CURED BLACK OLIVES

1133. Adulteration of black olives. U. S. v. 73 Kegs of Black Olives. Default decree of condemnation and destruction. (F. D. C. No. 2767. Sample No. 34429-E.)

This product was moldy.

On September 10, 1940, the United States attorney for the Southern District of New York filed a libel against 73 kegs of black olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by Alexander B. Stewart from Exeter, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Oil Cured Fancy Greek Style Black Olives."

On September 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED VEGETABLES

1134. Adulteration of canned peas. U. S. v. Friday Canning Corporation. Plea of guilty. Fine, \$25. (F. D. C. No. 2857. Sample Nos. 8150-E, 8151-E.)

Samples taken from one lot of this product were found to contain insects, fragments of insects, larvae and cocoons, weed seeds, pea pod fragments and stems;

and those taken from the other lot were found to contain adult insects and insect parts.

On October 25, 1940, the United States attorney for the Western District of Wisconsin filed an information against the Friday Canning Corporation at New Richmond, Wis., alleging shipment on or about March 16, 1940, from the State of Wisconsin into the State of Minnesota, of quantities of canned peas that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Harmony Brand Wisconsin Early Variety Peas"; or "Willow River * * * Early June Peas."

On January 6, 1941, a plea of guilty having been entered, the defendant was sentenced to pay a fine of \$25 on each of the two counts, the payment of the fine on count one to satisfy payment on count two.

1135. Adulteration of canned peas. U. S. v. 90 and 4 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2196. Sample Nos. 8150-E, 8151-E.)

Examination showed that this product contained insect fragments.

On June 10, 1940, the United States attorney for the District of Minnesota filed a libel against 94 cases of canned peas at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by the Friday Canning Corporation from New Richmond, Wis.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Harmony Brand * * * Early Variety Peas"; or "Willow River * * * Early June Peas."

On August 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1136. Adulteration of canned peas. U. S. v. 10 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2158. Sample No. 26211-E.)

This product contained weevils.

On June 11, 1940, the United States attorney for the District of Idaho filed a libel against 10 cases of canned peas at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about May 14, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: (Cans) "Nation's Garden Brand Sweet Peas * * * Packed For Fine Foods, Inc., Seattle-Minneapolis."

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1137 to 1142 report the seizure and disposition of canned peas of the Alaska or smooth-skin variety in which the alcohol-insoluble solids were found to exceed 23.5 percent. The product consequently was substandard and was not labeled to indicate such fact in the manner prescribed by the regulations promulgating a standard of quality for canned peas.

1137. Misbranding of canned peas. U. S. v. 154 Cases of Canned Peas. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 2333. Sample No. 14356-E.)

On July 9, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 154 cases of canned peas at Philadelphia Pa., alleging that the article had been shipped in interstate commerce on or about June 5, 1940, by the Eastern Shore Canning Co. from Machipongo, Va.; and charging that it was misbranded. It was labeled in part: "Green-Glo Brand Early June Peas. * * * Albert W. Sisk & Son Distributors—Not Manufacturers."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law and its quality fell below such standard but its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On July 29, 1940, no claimant having appeared, judgment of condemnation and destruction was entered. On August 9, 1940, the decree was amended to provide for distribution of the product to charitable institutions.

1138. Misbranding of canned peas. U. S. v. 122 Cases and 95 Cases of Canned Peas. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 3191, 3192. Sample Nos. 20463-E, 20465-E.)

On October 14, 1940, the United States attorney for the Northern District of Georgia filed libels against 217 cases of canned peas at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about July 7, 1940, by Hillsboro-Queen-Ann Cooperative Corporation from Hillsboro, Md.; and charging that it was misbranded. It was labeled in part: "HQA Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 2, 1940, Bill Watkins, claimant, doing business as Watkins Produce Co., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled in compliance with the law.

1139. Misbranding of canned peas. U. S. v. 63 Cases of Canned Peas. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 3493. Sample Nos. 28944-E, 28948-E.)

On December 7, 1940, the United States attorney for the District of Maryland filed a libel against 63 cases of canned peas at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Lineboro Canning Co. from York County, Pa.; and charging that it was misbranded. It was labeled in part: (Cans) "Crown of Maryland Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 6, 1941, A. W. Sisk & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the product be relabeled and not be disposed of contrary to law.

1140. Misbranding of canned peas. U. S. v. 863 Cases of Canned Peas. Judgment for the Government. Product ordered released under bond to be relabeled. (F. D. C. No. 2989. Sample No. 27322-E.)

On September 19, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 863 cases of canned peas at Huntington, W. Va., alleging that the article had been shipped in interstate commerce on or about July 17 and 19, 1940, by the McCoy Canned Food Co. from Urbana, Ohio; and charging that it was misbranded. It was labeled in part: (Cans) "Mad River Brand Sifted [or "Medium Size"] Early June Peas."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law in that it was a smooth skin variety of pea but was substandard in quality, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 22, 1940, the McCoy Canned Food Co., claimant, having admitted the allegations of the libel, judgment was entered in favor of the Government and it was ordered that the product be released under bond conditioned that it be relabeled in accordance with the law.

1141. Misbranding of canned peas. U. S. v. 49 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3101. Sample No. 20268-E.)

On October 2, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 49 cases of canned peas at Lumberton, N. C., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by Taylor & Sledd, Inc., from Richmond, Va.; and charging that it was misbranded. The article was labeled in part: (Cans) "Wigwam Brand Early June Peas * * * Standard Quality Distributed By H. P. Taylor, Jr. Inc., Richmond, Va."

It was alleged to be misbranded in that the statement "Standard Quality" was false and misleading as applied to substandard canned peas. It was alleged to be misbranded further in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed after 30 days unless taken down under bond by the owner. On December 14, 1940, the judgment was amended to permit delivery of the goods to a charitable institution in lieu of destruction.

1142. Misbranding of canned peas. U. S. v. 340 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3298. Sample No. 14539-E.)

On October 28, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 340 cases of canned peas at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 1, 1940, by Charles Mills from Lewes, Del.; and charging that it was misbranded. It was labeled in part: (Cans) "Holsum Brand Early June Peas * * * Distributed by B. H. Holsinger Ridgely, Md."

The article was alleged to be misbranded in that it purported to be a food for which standards of quality and fill of container had been prescribed by regulations as provided by law, but its quality and fill of container fell below standards; and its label failed to bear in such manner and form as the regulations specify, statements that it fell below such standards.

On November 15, 1940, Albert W. Sisk & Son, of Aberdeen, Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

1143. Adulteration of canned pork and beans. U. S. v. 130 Cases of Canned Pork and Beans. Default decree of condemnation and destruction. (F. D. C. No. 2203. Sample No. 13200-E.)

The tomato sauce in this product contained excessive mold.

On June 15, 1940, the United States attorney for the District of Idaho filed a libel against 130 cases of canned pork and beans at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 26, 1939, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Dinnerette Brand Pork and Beans with Tomato Sauce."

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1144. Adulteration of canned spinach. U. S. v. 18 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 2197. Sample No. 15195-E.)

This product was decomposed.

On June 10, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 18 cases of canned spinach at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Bentonville Canning Co., from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Conrad's * * * Darnoc Brand Spinach * * * J. F. Conrad Grocer Company."

On July 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

1145. Misbranding of canned tomatoes. U. S. v. 31 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2691. Sample No. 20122-E.)

This product was substandard because it contained excessive peel, and such fact was not indicated in the labeling.

On August 26, 1940, the United States attorney for the Middle District of Georgia filed a libel against 31 cases of canned tomatoes at Thomasville, Ga.,

alleging that the article had been shipped in interstate commerce on or about July 11, 1940, by the Mitchell Canneries, Inc., from Fort Meade, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Crimson Tide Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law; but its quality fell below such standard, and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1146. Adulteration of tomato catsup. U. S. v. 200 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2152. Sample No. 12552-E.)

This product contained worm and insect fragments.

On or about June 11, 1940, the United States attorney for the Southern District of Texas filed a libel against 200 cases of tomato catsup at Harlingen, Tex., alleging that the article had been shipped in interstate commerce on or about May 1, 1940, by the California Conserving Co., Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Monitor Brand Tomato Catsup."

On August 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1147. Adulteration and misbranding of tomato catsup. U. S. v. 107 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2472. Sample No. 6312-E.)

This product contained worm and insect fragments.

On August 1, 1940, the United States attorney for the District of New Mexico filed a libel against 107 cases of tomato catsup at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by the Delta County Canning Co. from Delta, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Bel-Dine Tomato Catsup Packed For Recorg Supply Corporation Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be misbranded in that the statement in the labeling, "All products Bearing This Label Are Guaranteed To Comply with the Pure Food Laws," was false and misleading.

On September 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1148. Adulteration of tomato catsup. U. S. v. 75 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2748. Sample No. 6616-E.)

This product contained worm and insect fragments.

On September 11, 1940, the United States attorney for the District of New Mexico filed a libel against 75 cases of tomato catsup at Las Vegas, N. Mex. (consigned by the Delta County Canning Co.), alleging that the article had been shipped in interstate commerce on or about February 27 and March 5, 1940, from Delta, Colo., to Raton, N. Mex., thence to Las Vegas, N. Mex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bottles) "Town Talk Tomato Catsup."

On October 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1149 to 1157, inclusive (except No. 1151), report the seizure and disposition of tomato products which contained excessive mold, indicating the presence of decomposed material. The tomato paste described in 1151 contained worm and insect fragments.

1149. Adulteration of tomato catsup. U. S. v. 51 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2306. Sample No. 26231-E.)

This product contained excessive mold indicating the presence of decomposed material.

On July 13, 1940, the United States attorney for the Eastern District of Washington filed a libel against 51 cases of tomato catsup at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 29, 1940, from Post Falls, Idaho, by Seiter's, Inc.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Coeur d'Alene Brand * * * Tomato Catsup."

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1150. Adulteration of tomato catsup. U. S. v. 26 Cases of Tomato Catsup. decree of condemnation and destruction. (F. D. C. No. 2705. Sample No. 6590-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On August 29, 1940, the United States attorney for the Northern District of Texas filed a libel against 26 cases of tomato catsup at Amarillo, Tex., alleging that the article had been shipped in interstate commerce on or about February 20, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Monte Rio Brand Tomato Catsup."

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1151. Adulteration of tomato paste. U. S. v. 550 Cases and 300 Cases of Tomato Paste. Consent decrees of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 1936, 1936-A. Sample No. 12597-E.)

This product contained worm and insect fragments.

On May 9 and 10, 1940, the United States attorney for the Eastern District of New York filed libels against 550 cases of tomato paste at Brooklyn, N. Y., and 300 cases of tomato paste at Garden City, N. Y., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by the Turlock Cooperative Growers from Modesto, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Firenze Product of California Tomato Paste."

On September 5, 1940, the Turlock Cooperative Growers, claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond conditioned that it be segregated according to code numbers, and that the portion unfit for human consumption be segregated and destroyed.

1152. Adulteration of tomato paste. U. S. v. 73 Cases of Tomato Paste. Consent decree of condemnation and destruction. (F. D. C. No. 1763. Sample No. 72962-D.)

On April 5, 1940, the United States attorney for the District of Maine filed a libel against 73 cases of tomato paste at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by the Riverbank Canning Co. from Riverbank, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Madonna Fancy Pure Tomato Paste."

On February 8, 1941, the Riverbank Canning Co. having consented to the destruction of the product, judgment of condemnation was entered and it was ordered destroyed.

1153. Adulteration of tomato puree. U. S. v. 448 Cases of Tomato Puree. Consent decree of condemnation. Product ordered released under bond for salvaging good portion. (F. D. C. No. 2286. Sample No. 30513-E.)

Samples of this product were found to contain excessive mold.

On or about July 6, 1940, the United States attorney for the Northern District of Illinois filed a libel against 448 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 24, 1940, by the Clamme Canning Co. from Hartford City, Ind.; and charging

that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "The Good Kind Tomato Puree Steele-Wedeles Company Distributors Chicago, Ill."

On August 7, 1940, Charles Clamme and Albert Clamme, copartners, doing business as Clamme Canning Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond for separating and salvaging the good portion under the supervision of the Food and Drug Administration.

1154. Adulteration of tomato puree. U. S. v. 22 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 2339. Sample Nos. 6526-E, 6810-E.)

On July 10, 1940, the United States attorney for the District of Colorado filed a libel against 22 cases of tomato puree at Denver, Colo. (consigned by the Perry Canning Co.), alleging that the article had been shipped in interstate commerce on or about May 18, 1940, from Perry, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Dreher's Tomato Puree * * * Packed For The Dreher Pickle Company, Denver, Colorado."

On July 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1155. Adulteration of tomato puree. U. S. v. 19 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 2262. Sample No. 6285-E.)

On June 26, 1940, the United States attorney for the District of Kansas filed a libel against 19 cases of tomato puree at Goodland, Kans., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by the Pleasant Grove Canning Co. from Pleasant Grove, Utah; and charging that it was adulterated in that it consisted wholly or in part of decomposed vegetable substances. The article was labeled in part: "Utah Valley Brand Tomato Puree."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1156. Adulteration of tomato pulp and tomato puree. U. S. v. Kaysville Canning Corporation. Plea of guilty. Fine, \$29. (F. D. C. No. 2887. Sample Nos. 97222-D, 97324-D, 97413-D, 16408-E, 16412-E, 16438-E.)

On February 6, 1941, the United States attorney for the District of Utah filed an information against the Kaysville Canning Corporation, Kaysville, Utah, alleging shipment within the period from on or about October 4, 1939, to on or about February 8, 1940, from the State of Utah into the States of Nebraska, Colorado, and Wyoming, of quantities of tomato pulp and tomato puree that were adulterated in that they consisted in whole and in part of decomposed substances. The articles were labeled in part variously: "Heavy Tomato Pulp Packed By Kaysville Canning Corpn."; "Tomato Puree"; "Kaysville Brand Tomato Puree * * * Distributed By Kaysville Canning Corporation"; "Silver Band * * * Tomato Puree * * * The Morey Mercantile Co. Distributors Denver, Colo."

On February 6, 1941, a plea of guilty was entered on behalf of the defendant and a fine of \$29 was imposed.

1157. Adulteration of tomato sauce. U. S. v. 124 Cases of Canned Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 2204. Sample No. 12638-E.)

On or about June 25, 1940, the United States attorney for the District of Maryland filed a libel against 124 cases of tomato sauce at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 24, 1940, by the Port of Stockton from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Land o'Lakes California Fancy Tomato Sauce * * * Distributed By Ocono Company Baltimore, Md."

On August 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PRESERVES

1158. Adulteration of raspberry preserves. U. S. v. 30 Cases of Raspberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 1998. Sample No. 12978-E.)

Samples of this product were found to contain worms and insects.

On May 21, 1940, the United States attorney for the Northern District of California filed a libel against 30 cases of raspberry preserves at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about March 18, 1940, by the Pacific Food Products Co. from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jars) "Sunny Jim Brand * * * Pure Raspberry Preserves."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

1159. Adulteration of apple chops. U. S. v. 433 Bags of Apple Chops. Default decree of condemnation and destruction. (F. D. C. No. 2269. Sample No. 10533-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested and dirty.

On June 26, 1940, the United States attorney for the Southern District of New York filed a libel against 433 bags of apple chops at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 22, 1940, by Max Ams, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1160. Adulteration of dried apples. U. S. v. 78 Boxes of Dried Apples. Default decree of condemnation and destruction. (F. D. C. No. 2459. Sample No. 15473-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested and decayed.

On July 30, 1940, the United States attorney for the Western District of Tennessee filed a libel against 78 boxes of dried apples at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 5, 1940, by the Bentonville Evaporator Co. from Bentonville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On September 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1161. Misbranding of dates. U. S. v. 13 Cases of Dates. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 1983. Sample No. 13239-E.)

These dates occupied only 80 percent of the volume of the package in which they were packed, and the statement of the quantity of contents was placed on the bottom of the side panels.

On May 18, 1940, the United States attorney for the District of Oregon filed a libel against 13 cases of dates at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Pacific Fruit & Produce Co. from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: (Package, main panel) "Selected Golden Dates Ditto Brand * * * Distributors Fine Foods, Inc., Seattle, Minneapolis."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of quantity of contents required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements or devices in the labeling) as to render it likely to be read by ordinary individuals under customary conditions of purchase and use.

On July 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to a charitable institution.

1162. Adulteration of dried peaches. U. S. v. 270 Cases of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 2232. Sample No. 12626-E.)

This product was insect-infested.

On June 19, 1940, the United States attorney for the Southern District of New York filed a libel against 270 cases of dried peaches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 11, 1940, by Jack Gomperts & Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On July 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1163. Adulteration of dried mixed fruit and dried prunes. U. S. v. Jacob Kauffman. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 950. Sample Nos. 68033-D, 68034-D.)

Samples of these products were found to contain worms, weevils, and insect excreta.

On May 15, 1940, the United States attorney for the District of Pennsylvania filed an information against Jacob Kauffman, Philadelphia, Pa., alleging shipment on or about September 25, 1939, from the State of Pennsylvania into the State of New York, of quantities of dried mixed fruit and dried prunes that were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Eureka Brand * * * Fruit Compote [or "Northland Brand * * * Prunes"] Rosenberg Bros. & Co."

On December 6, 1940, a plea of nolo contendere was entered by the defendant and a fine of \$100 was imposed.

Nos. 1164 to 1166, inclusive, report the seizure and disposition of dried fruits which were in interstate commerce at the time of examination and were found to be insect-infested; and, in the case of the prunes, also partially decomposed at that time.

1164. Adulteration of dried prunes. U. S. v. 1,150 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 2205. Sample Nos. 33097-E, 33098-E.)

On June 13, 1940, the United States attorney for the Eastern District of New York filed a libel against 1,150 cases of dried prunes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about October 4 and 18, 1939, by Libby, McNeil & Libby from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. It was labeled in part: "Santa Clara Prunes."

On September 9, 1940, no answer to the libel having been filed, judgment of condemnation was entered and the product was ordered destroyed.

1165. Adulteration of dried prunes. U. S. v. 300 Bags of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 2002. Sample No. 10114-E.)

On May 22, 1940, the United States attorney for the Eastern District of New York filed a libel against 300 bags of dried prunes at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 1, 1940, by the Catz American Co., Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Santa Clara Prunes."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1166. Adulteration of raisins. U. S. v. 43 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 2771. Sample No. 26432-E.)

On September 11, 1940, the United States attorney for the District of Oregon filed a libel against 43 cases of raisins at Medford, Oreg., alleging that the article had been shipped in interstate commerce on or about June 27, 1940, by the Pacific Pool Car Co., of Oakland, Calif. (consigned by the Del Ray

Packing Co. from Fresno, Calif.) ; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cases) "Royal Club Brand Choice Thompson Seedless Raisins Packed for Mason Ehrman Co. Medford Oregon Quality California Raisins."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT AND MEAT PRODUCTS

POULTRY

1167. Adulteration of dressed poultry. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, \$20 and costs. (F. D. C. No. 2088. Sample Nos. 68468-D, 85714-D.)

This action involved the shipment of emaciated and diseased poultry.

On October 10, 1940 the United States attorney for the Southern District of Iowa filed an information against the Beatrice Creamery Co., a corporation, trading at Chariton, Iowa, alleging shipment on or about November 24 and December 15, 1939, from the State of Iowa into the State of New York of quantities of poultry that was adulterated. The article was alleged to be adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On October 15, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$20 and costs.

DOG AND CAT FOOD

1168. Adulteration and misbranding of dog and cat food. U. S. v. 220 Cases of Dog and Cat Food. Default decree of condemnation and destruction. (F. D. C. No. 2048. Sample No. 18662-E.)

This product was labeled to indicate that it contained appreciable amounts of meat; whereas it contained little or no meat. It also contained smaller proportions of crude protein and fat than those declared on the labels, and also a relatively large amount of water.

On May 31, 1940, the United States attorney for the District of Maryland filed a libel against 220 cases of dog and cat food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Packer Products Co. from Philadelphia, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Prattdale Brand Dog and Cat Food. * * * Packed for Royal Clover Dist. Co. Baltimore."

It was alleged to be adulterated in that an article containing little or no meat and a large amount of water, 4.44 percent of crude protein, and 0.44 percent of fat had been substituted for an article described as follows: "Meat, Meat by-Products, Barley, Soya Bean Meal, Bran, Salt, Sodium Nitrate, and Cod Liver Oil * * * Protein 8% Minimum Fat 2.00% Minimum."

The article was alleged to be misbranded in that the statements in the labeling, "Ingredients Meat, Meat by-Products, Barley, Soya Bean Meal, Bran, Salt, Sodium Nitrate, and Cod Liver Oil. Guaranteed Analysis Protein 8% Minimum Fat 2.00% Minimum," were false and misleading.

On June 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

1169. Adulteration of Brazil nuts. U. S. v. 61 Cases and 135 Bags of Brazil Nuts. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3432. Sample Nos. 20727-E, 20728-E.)

These nuts were in part moldy and rancid.

On or about November 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 61 30-pound cases and 135 100-pound bags of Brazil nuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about October 5, 1940, by the Red Line Commercial Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Amazon Brand Large Medium Washed Brazil Nuts."

On December 18, 1940, the Daylight Grocery Co., Jacksonville, Fla., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of unfit portion.

1170. Adulteration of pecans. U. S. v. 65 Cases of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond to be cleaned. (F. D. C. No. 1818. Sample Nos. 5104-E, 5105-E, 5106-E.)

This product was contaminated with fecal *Escherichia coli* and also contained rodent hairs and feather fragments.

On April 16, 1940, the United States attorney for the Southern District of Ohio filed a libel (amended on or about May 31, 1940) against 65 cases of shelled pecans at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about January 1 and February 8, 1940, by Paul C. Dowl from Hickman, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 12, 1940, the Hickman Grocery & Produce Co. of Hickman, Ky., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleaned to eliminate all filth.

1171. Adulteration of shelled pecans. U. S. v. 140 Cartons of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 1966. Sample No. 4749-E.)

This product was contaminated with fecal *Escherichia coli*.

On May 14, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 140 cartons of shelled pecans at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about December 15, 1939, by the Blue Star Ice & Cold Storage Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 9, 1940, E. M. Zerr & Co., San Antonio, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be rendered fit and wholesome by the removal of all objectionable material. On August 5, 1940, the decree was amended to permit shipment of the product to San Antonio, Tex., for the said purposes.

1172. Adulteration of shelled pecans. U. S. v. 13 Cartons of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 1967. Sample No. 6692-E.)

Samples of this products were found to contain rodent excreta and hairs, human hairs, and insect fragments.

On May 15, 1940, the United States attorney for the District of Colorado filed a libel against 13 cartons of shelled pecans at Denver, Colo. (consigned by the Dodd Warehouses), alleging that the article had been shipped in interstate commerce on or about September 19, 1939, from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Packed by E. M. Zerr and Co., San Antonio, Texas."

On June 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1173. Adulteration of shelled pecans. U. S. v. 30 Cartons of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 1880. Sample No. 15143-E.)

This product was contaminated with fecal *Escherichia coli*, and it also contained rodent hairs.

On April 26, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 30 cartons of shelled pecans at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 4, 1940, by the Southern Pecan Co., Inc., from New Orleans, La.; and charging that it was adulterated. It was labeled in part "Sopeco Nuts."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On June 28, 1940, no answer or claim having been filed, judgment of condemnation was entered and the product was ordered destroyed.

1174. Adulteration of shelled pecans and pecan pieces. U. S. v. 3 Lots (45 Cases) of Pecan Pieces (and 6 other seizures of pecans and pecan pieces). Decrees of condemnation. Product ordered released under bond for elimination of unfit material. (F. D. C. Nos. 1710, 1722, 1800, 1819, 1821, 1824, 1895. Sample Nos. 4770-E, 5205-E, 5206-E, 6207-E, 6668-E, 10393-E, 13617-E.)

These products were found to contain insect larvae. Rodent hairs, human hairs, and fecal *Escherichia coli* also were found in certain of the samples.

Between March 27 and April 29, 1940, the United States attorneys for the Southern District of Ohio, Northern District of Illinois, Southern District of New York, and the Western District of Washington filed libels against 45 cases of pecan pieces at Columbus, Ohio; 629 cartons of pecans and pecan pieces at Chicago, Ill.; 54 cartons of pecan pieces at New York, N. Y.; and 14 cases of pecan pieces at Seattle, Wash., alleging that the articles had been shipped in interstate commerce within the period from on or about January 12 to on or about March 9, 1940, by the Southern Pecan Shelling Co. from Houston and San Antonio, Tex. The libels covering the seizures at New York and Seattle were subsequently amended. On April 16, 1940, the United States attorney for the District of Colorado filed a libel against 21 cartons of pecans at Denver, Colo., which had been shipped by the Southern Pecan Shelling Co. from San Antonio on or about February 19, 1940. The articles were labeled in part: "Southern Belle Pecans" or "Standard Quality Texas Pecans."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances.

On May 18 and June 3, 13, 17, 18, and 21, 1940, the Southern Pecan Shelling Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that all objectionable material be removed by sorting, cleaning, or other means.

1175. Adulteration of pecan halves. U. S. v. 100 Cartons of Pecan Halves. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 1869. Sample Nos. 14684-E, 14685-E.)

This product was contaminated with fecal *Escherichia coli*.

On April 24, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel (amended August 13, 1940) against 100 cartons of pecan halves at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 30, 1940, by the Monticello Pecan Co. from Thomasville, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 20, 1940, the Monticello Pecan Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it would not be sold or otherwise disposed of contrary to law.

1176. Adulteration of pecan pieces. U. S. v. 30 Cases of Shelled Pecan Pieces. Consent decree of condemnation. Product ordered released under bond to be cleaned. (F. D. C. No. 1885. Sample No. 5110-E.)

This product was contaminated with fecal *Escherichia coli*, and it also contained insect larvae and rodent hairs.

On April 26, 1940, the United States attorney for the Southern District of Ohio filed a libel against 30 cases of pecan pieces at Cincinnati, Ohio (consigned on or about March 23, 1940), alleging that the article had been shipped in interstate commerce by the Sunshine Pecan Shelling Co. from San Antonio, Tex.; and charging that it was adulterated. The article was labeled in part "Perfection."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

On June 7, 1940, the Sunshine Pecan Shelling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleaned of all filth under the supervision of the Food and Drug Administration.

1177. Adulteration of pecan pieces. U. S. v. 100 Cases of Selected Pecan Pieces. Consent decree of condemnation. Product ordered released under bond to be cleaned. (F. D. C. No. 1970. Sample No. 5949-E.)

Samples of this product were found to be contaminated with fecal *Escherichia coli* and to contain cat and rodent hairs.

On May 15, 1940, the United States attorney for the Northern District of Ohio filed a libel against 100 cases of pecan pieces at Cleveland, alleging that the article had been shipped in interstate commerce on or about December 22, 1939, by the Delicious Pecan Co. from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 12, 1940, the Delicious Pecan Co., claimant, having admitted the allegations, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be cleaned in order to remove all filth.

1178. Adulteration of pecan pieces. U. S. v. 49 Cartons and 50 Cartons of Pecan Pieces. Consent decrees of condemnation. Product released under bond for reconditioning. (F. D. C. Nos. 2049, 2050. Sample Nos. 5432-E, 4487-E.)

Samples of this product were found to be contaminated with fecal *Escherichia coli*.

On or about June 1 and 7, 1940, the United States attorneys for the Northern District of Ohio and the Northern District of Illinois filed libels against 49 cartons of pecan pieces at Akron, Ohio and 50 cartons at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 20 and March 30, 1940, by the John Fisher Pecan Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 26 and August 20, 1940, the John Fisher Pecan Co., of Dallas and the Chicago Bakers Buying Association, of Chicago, Ill., claimants for the respective lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration in order to remove all objectional substances.

1179. Adulteration of shelled pecans. U. S. v. 143 Cartons of Large Pecan Pieces. Decree of condemnation. Product ordered released under bond for elimination of unfit material. (F. D. C. No. 2020. Sample No. 4488-E.)

Examination showed that this product was contaminated with *Escherichia coli*.

On or about May 28, 1940, the United States attorney for the Northern District of Illinois filed a libel against 143 cartons of pecans at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 16, 1940, by J. R. Fleming & Co. from Weatherford, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Texas Bluebonnet Brand Shelled Pecans."

On July 22, 1940, J. R. Fleming & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product might be released under bond conditioned that it be cleaned in order to eliminate all objectionable material. The attempt to salvage the nuts was unsuccessful and they were destroyed.

1180. Misbranding of pecan halves. U. S. v. 100 Cases of Pecan Halves. Default decree of condemnation. Product ordered delivered to public institution. (F. D. C. No. 1866. Sample No. 4013-E.)

The baskets containing this product were 2 $\frac{3}{8}$ inches high and had a false bottom about $\frac{7}{8}$ -inch high.

On April 23, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 100 cases, each containing 12 baskets, of pecan halves at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 1, 1940, by the Southland Pecan Co. Inc., from Columbus, Ga.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. It was labeled in part: "Gold Medal Fresh Shelled Nuts. Double Bottom to Prevent Oil Seepage."

On June 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

1181. Adulteration of peanuts. U. S. v. 154 Cases of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 1964. Sample No. 13031-E.)

Examination showed that these peanuts were in part dirty.

On May 14, 1940, the United States attorney for the Western District of Washington filed a libel against 154 cases (bags) each containing 120 pounds of peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 16, 1940, by Hou-Tex Peanut Co. from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

PEANUT BUTTER

1182. Adulteration of peanut butter. U. S. v. 279 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 2343. Sample No. 15461-E.)

This product contained dirt.

On July 13, 1940, the United States attorney for the Western District of Tennessee filed a libel against 279 cases of peanut butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about June 6 and 15, 1940, by the J. D. Johnston, Jr., Co. from Brundidge, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, namely, dirt, which rendered it unfit for food. The article was labeled in part: "Johnston's Brand Peanut Butter."

On August 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1183. Adulteration of peanut butter. U. S. v. 119 Cartons of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 2769. Sample Nos. 36036-E, 36313-E.)

This product contained dirt and rodent excreta.

On September 10, 1940, the United States attorney for the District of Rhode Island filed a libel against 119 cartons, each containing 24 jars of peanut butter at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 3, 1940, by A. W. Sisk & Son from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Jars) "Melton Pure Peanut Butter Distributed By Brownell & Field Co. Providence."

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1184. Adulteration of peanut butter. U. S. v. 10 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1492. Sample No. 77185-D.)

This product was made from peanuts which were in whole or in part, dirty.

On February 21, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 10 cases of peanut butter at Ahoskie, N. C., alleging that the article had been shipped in interstate commerce on or about January 29, 1940, by Southgate Foods from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Jars) "Lynnhaven Brand Peanut Butter."

On August 24, 1940, Southgate Foods, claimant, having withdrawn its answer, judgment of condemnation was entered and the product was ordered destroyed.

1185. Misbranding of peanut butter. U. S. v. 57 and 111 Cases of Peanut Butter. Default decrees of condemnation. Portion of product destroyed; remainder ordered delivered to a charitable institution. (F. D. C. Nos. 1864, 1865. Sample Nos. 646-E, 654-E.)

This product was short weight.

On April 26, 1940, the United States attorneys for the Eastern District of South Carolina and the Western District of South Carolina filed libels against 57 cases of peanut butter at Columbia and 111 cases at Greenville, S. C., alleging that the article had been shipped in interstate commerce within the period from on or about February 25 to March 13, 1940, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was misbranded. The article was labeled in part: (Jars) "Best-Ever Brand [or "Fresh Maid"] Peanut Butter."

The article was alleged to be misbranded in that the statements "Net One Lb.," "Net 2 Lbs.," or "Net Two Lbs.," borne on the labels, were false and misleading

since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 31 and June 12, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized at Columbia, S. C., was ordered destroyed and the lot seized at Greenville, S. C., was ordered delivered to a charitable institution after the labels had been obliterated.

1186. Misbranding of peanut butter. U. S. v. 149 Cases and 103 Cases of Peanut Butter. Default decrees of condemnation. Portion ordered destroyed; remainder distributed to charitable institutions. (F. D. C. Nos. 1592, 2605. Sample Nos. 87797-D, 96510-D, 20084-D.)

Examination showed this product to be short weight.

On March 7 and August 23, 1940, the United States attorneys for the Northern District of Alabama and the Western District of South Carolina filed libels against 149 cases of peanut butter at Birmingham, Ala., and 103 cases of peanut butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about February 6 and July 10, 1940, by the Dillon Candy Co., from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: "Best Ever Brand Peanut Butter Net 32 Oz."; or "Dillon's Peanut Butter * * * Net 1 Lb."

The article was alleged to be misbranded in that the statements "Net 32 Oz." and "Net 1 Lb." were false and misleading since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On September 4 and 27, 1940, no claimant having appeared, judgments of condemnation were entered, and the product seized at Birmingham was ordered destroyed and that seized at Greenville was ordered distributed to charitable institutions.

1187. Misbranding of peanut butter. U. S. v. 169 Cases of Peanut Butter. Product ordered released under bond. (F. D. C. No. 1783. Sample No. 4776-E.)

This product was short weight.

On April 10, 1940, the United States attorney for the Northern District of Indiana filed a libel against 169 cases of peanut butter at Michigan City, Ind., alleging that the article had been shipped in interstate commerce on or about February 14 and 22, 1940, by Velvet Nut Products, Inc., from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: (Jars) "Contents 2 pounds, Grenadier Peanut Butter."

The article was alleged to be misbranded in that the statement appearing on the label, "Contents 2 Pounds," was false and misleading since it was not true. It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of the contents.

On June 17, 1940, Velvet Nut Products, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of until brought into complete compliance with the requirements of the law.

1188. Adulteration and misbranding of nut spread. U. S. v. 6 Cases and 8 Cases of Nut Spread. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 1813. Sample No. 88914-D.)

This product consisted of peanut butter and a fat other than peanut oil. It had been whipped so as to incorporate air in it and was also short of the declared volume.

On April 15, 1940, the United States attorney for the Northern District of Indiana filed a libel against 14 cases of nut spread at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by Lurch Nut Products, Inc., from Maywood, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Lurch's Nut Spread [design of peanuts] 8 Fl. Ozs. [or "15 Fl. Ozs.]."

Adulteration was alleged in substance in that a mixture of peanut butter and added foreign fat which had been increased in volume by the incorporation of air had been substituted for peanut butter, which the article purported to be. The article was alleged to be adulterated further in that a substance, air, had been incorporated therein so as to increase its bulk.

It was alleged to be misbranded in that the name "nut spread" and the design of peanuts implying that the product was peanut butter, were false

and misleading as applied to peanut butter in which excess air had been incorporated and which contained foreign fat. It was alleged to be misbranded further in that the statements "8 Fl. Ozs." and "15 Fl. Ozs." were false and misleading since they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

OLIVE OIL

1189. Misbranding of olive oil. U. S. v. 12 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 1838. Sample Nos. 4713-E, 4826-E.)

Examination showed this product to be short of the declared volume.

On April 18, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of olive oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Bottles) "Pure Olive Oil 4 Fluid Ozs. Packed for John Hoffman & Sons Co. Milwaukee."

The article was alleged to be misbranded in that the statement "4 Fluid Ounces" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 4, 1940, R. Gerber Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in conformity with the law.

CANDY

1190. Adulteration of candy. U. S. v. 4 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2366. Sample No. 20241-E.)

This product contained insect fragments, rodent hairs, and feather barbs.

On July 18, 1940, the United States attorney for the Western District of South Carolina filed a libel against four boxes of candy at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Crown Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Buttered Peanut Cocoanut Crisp."

On August 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1191. Adulteration of candy. U. S. v. 68 Cases of Candy (and 9 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1479, 1518, 1550, 1605, 1807, 1809, 1851, 1863, 1876, 1931. Sample Nos. 63832-D, 63833-D, 85007-D, 85008-D, 85013-D, 66982-D, 66983-D, 66984-D, 66985-D, 15702-E, 15703-E, 15704-E, 16228-E, 16426-E, 16427-E, 16430-E, 16434-E, 16435-E, 16441-E, 16442-E, 16443-E.)

Samples taken from these lots were found to contain rodent hairs and excreta, cat and human hairs, insects and insect fragments, and miscellaneous filth.

Between February 21 and May 9, 1940, the United States attorneys for the Southern District of Illinois, Eastern District of Missouri, Western District of Missouri, and District of Nebraska filed libels against 68 cases of candy at Quincy, Ill.; 58 cases at Kirksville, Mo.; 14 cases at Sedalia, Mo.; 157 cases at Omaha, Nebr.; 1 barrel at Monroe City, Mo.; 50 cases at Kansas City, Mo.; 34 cases at Grand Island, Nebr.; and 5 cases at Lexington, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about September 11, 1939, to on or about April 16, 1940, by Walter T. Hall & Co. from Ottumwa, Iowa; and charging that it was adulterated. On May 27, 1940, the libel filed at Kirksville, Mo., on February 21, 1940, was amended to include an additional 5 cases. The article was labeled in part variously: "Hall's Chocolates Tease The Taste Special Choc."; "Royal Crispies Hall's Confections"; "Handy Pack Asst."; "Pyramid Choc. Hall's Chocolates"; "Orange Slices"; Hall's Ottumwa Iowa Assorted Halo Jellies"; "Midget Caramels"; "Assorted Banner

Choc.”; “Banner Nougat”; “Clusters Light Cream Clusters”; “Hall’s Black Walnut Kisses”; “Cream Midgets”; “Cream Scotties”; or “French Creams.”

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. It was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Between May 4 and November 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1192. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation. (F. D. C. No. 2766. Sample No. 24261-E.)

This product contained rodent hairs and insect fragments.

On September 6, 1940, the United States attorney for the District of New Jersey filed a libel against 23 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by the F. N. Paist Co. from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part “2 for 1¢ Pals.”

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1193. Adulteration of candy. U. S. v. 17 Boxes of Candy (and 1 other seizure of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2185, 2189. Sample Nos. 10115-E to 10118-E, incl.)

Samples of this product were found to contain human hairs, rodent hairs, nondescript dirt, and insect fragments.

On June 11, 1940, the United States attorney for the District of New Jersey filed libels against 17 boxes of candy at Jersey City, N. J., and 44 cartons of candy at Newark, N. J., alleging that the article had been shipped in interstate commerce within the period from on or about January 29 to on or about May 23, 1940, by the Two Star Confectionery Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part variously: “Two Star Candy Spearmint Leaves”; “Big Five Candy Gum Drops”; “72 Lucky Shoe”; or “Ass’d Haggi’s Long Chewing Gum.”

On September 26, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1194. Adulteration and misbranding of candy. U. S. v. 42 Boxes of Candy (and 4 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2311, 2312, 2338, 2390, 2391. Sample Nos. 1891-E, 1892-E, 1893-E, 20409-E, 20410-E, 28060-E, 28061-E.)

Samples of this product were found to contain insect fragments and rodent hairs. Portions of the product failed to comply with certain labeling requirements of the law.

Between July 6 and July 22, 1940, the United States attorneys for the Eastern District of Virginia and the Middle District of Georgia filed libels against 866 boxes and 17 cartons of candy at Portsmouth, Va.; 269 boxes at Norfolk, Va.; and 100 cartons at Albany, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about June 19 to on or about July 2, 1940, by Queen City Candy Co. from Charlotte, N. C.; and charging that it was adulterated and misbranded. Portions of the article were labeled variously: “Queen’s Candies Cherry Sandwich”; “Queen’s Candies King Bar”; “Suckers”; “M. L.”; or “B. L.” The remainder was unlabeled.

The article in all lots was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The three lots seized at Portsmouth, Va., were alleged to be misbranded in that the article was in package form and—with the exception of a few bars which were labeled—did not bear the name and place of business of the manufacturer, packer, or distributor, and did not bear an accurate statement of the quantity of the contents. The product seized at Portsmouth was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient. Two of the lots seized at

Portsmouth were alleged to be misbranded further in that one lot contained artificial coloring and the other contained both artificial coloring and artificial flavoring, but did not bear labeling stating these facts.

On August 3, 9, and 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1195. Adulteration and misbranding of candy. U. S. v. 10 Cartons of Candy (and 4 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2042, 2154, 2155, 2170, 2602. Sample Nos. 15309-E, 15510-E, 15511-E, 15516-E, 15119-E, 20578-E.)

Samples of this product were found to contain rodent hairs and excreta. One shipment was also short weight.

Between May 28 and August 17, 1940, the United States attorneys for the Eastern District of Missouri, Eastern District of Arkansas, and the Northern District of Georgia filed libels against 10 cartons of candy at Poplar Bluff, Mo.; 38 boxes at Sikeston, Mo.; 40 boxes at Newport, Ark.; 31 boxes at Jonesboro, Ark.; and 102 boxes at Atlanta, Ga., alleging that the article had been shipped in interstate commerce within the period from on or about April 10 to on or about May 16, 1940, by Thomas Bros. Candy Co. from Memphis, Tenn.; and charging that it was adulterated and that one shipment was also misbranded. The article was labeled in part variously: "Gro Mix."; "1c Jumbo Penny Stick"; "5¢ Truck'n The Candy Bar That Gives You Pep"; "Net Weight 3 $\frac{2}{3}$ Ounces or Over"; "Old Fashion Peanut Bar Thomas Bros. Circus Brand Candies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. It was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The seizure located at Atlanta, Ga. was alleged to be misbranded in that the statement "Net Weight 3 $\frac{2}{3}$ Ounces or Over" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 1, 15, and 22 and October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1196. Adulteration and misbranding of candy. U. S. v. 22 Paper Cups and 41 Various-Sized Baskets of Candy. Default decree of condemnation and destruction. (F. D. C. No. 1396. Sample No. 84000-D.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time a portion was found to be insect-infested. The containers—cellophane wrapped paper cups and rattan baskets—were filled with excelsior paper, on top of which the candy was piled to a height of from 1 to 2 inches. No quantity of contents statement appeared on the cups, and the statement on the baskets was placed on the bottom thereof.

On January 29, 1940, the United States attorney for the Western District of Washington filed a libel against 22 paper cups and 41 various-sized baskets of candy at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by the Cora Lou Confectioners from San Francisco, Calif.; and charging that it was misbranded and that a portion was also adulterated. The article was labeled in part: "Cora Lou Almond Delight The Perfected Marzipan."

Two lots of the baskets of candy were alleged to be adulterated in that the product consisted in whole or in part of a filthy substance.

The entire shipment was alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading. The candy contained in the cups was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents. All of the basket candy was alleged to be misbranded further in that the statement of the quantity of the contents required by the act to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1197. Misbranding of sugar-coated peanuts. U. S. v. 14 Cartons of Sugar-coated Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 2174. Sample No. 14675-E.)

This product was packed in baskets which had cardboard inserts in the bottom occupying an average of about 20 percent of the package. The label was inconspicuously placed on the bottom of the containers. Some of the packages failed to bear the address of the packer; and the label did not bear the common or usual name of the article or a list of ingredients.

On June 5, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 cartons of sugar-coated peanuts at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about May 11, 1940, by the Oakdale Pretzel & Nut Co., Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Garden of Allah Nuts."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading; and in that it was food in package form and some of the packages did not bear the place of business of the manufacturer, packer, or distributor. It was alleged to be misbranded further in that the information required by law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; in that its label did not bear the common or usual name of the food, namely, peanuts; and in that it was labeled in part: (Tag) "Stanard's Best Flour" or "Stanard's * * * usual name of each ingredient.

On June 24, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS

1198. Misbranding of vanilla, almond, and lemon extracts. U. S. v. 2 Gross Boxes of Vanilla Extract, 21 Boxes of Almond Extract, and 17 Boxes of Lemon Extract. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 1859. Sample Nos. 10030-E, 10031-E, 10032-E.)

The cartons containing these products were unnecessarily large, being approximately $1\frac{3}{4}$ inches higher, $\frac{5}{16}$ -inch thicker, and $\frac{1}{8}$ -inch wider than the bottle at its base; and the bottles were narrower at the top than at the base, tapering from $1\frac{3}{8}$ inches at the base to 1 inch just below the neck. Furthermore, the quantity of the contents was expressed in drams instead of fluid ounces.

On April 25, 1940, the United States attorney for the District of Connecticut filed a libel against the above quantities of extracts at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce on or about February 1, 1940, by the Virginia Dare Extract Co., Inc., from Brooklyn, N. Y.; and charging that they were misbranded. The articles were labeled in part: "Virginia Dare Pure Vanilla [or "Almond" or "Lemon"] Extra Strength."

The articles were alleged to be misbranded in that the statement "Guaranteed * * * to comply with all national and State Food laws" was false and misleading since it was incorrect. They were alleged to be misbranded further in that the containers were so made, formed, and filled as to be misleading. They were alleged to be misbranded further in that the quantity of the contents statement required on the label was not properly placed thereon in such terms as to be read and understood by the ordinary consumer, since it was expressed in drams instead of fluid ounces.

On June 29, 1940, the Virginia Dare Extract Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be repacked so as to comply with the law.

1199. Misbranding of vanilla extract. U. S. v. 20 Cases of Vanilla Extract. Consent decree of condemnation. Cartons ordered destroyed and product delivered to claimant. (F. D. C. No. 1904. Sample No. 13131-E.)

The height of the carton of this product was 6 inches while that of the bottle was only $4\frac{5}{8}$ inches; and the statement of the quantity of contents on the cartons was inconspicuous since it appeared on the top and bottom panels.

On or about May 1, 1940, the United States attorney for the Eastern District of Washington filed a libel against 20 cases of vanilla extract at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about September 16, 1939, by Wadhams & Co. from Portland, Oreg.; and charging that it was misbranded. It was labeled in part: "June Brand Pure Extract Vanilla. Packed Expressly For The McClintock-Trunkey Co."

The article was alleged to be misbranded in that its containers (cartons) were so made, formed, or filled as to be misleading; and in that the statement of quantity of contents required by law to appear on the labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On June 1, 1940, the McClintock-Trunkey Co., Spokane, Wash., claimant, having admitted the allegations of the libel, judgment was entered condemning and forfeiting the product. It was ordered, however, that upon destruction of the cartons under the supervision of the Food and Drug Administration and the payment of costs of the proceedings, the product be delivered to the claimant.

SPICES

1200. Misbranding of anise seed, nutmeg, poppy seed, cream of tartar, mustard seed, black pepper, and tea. U. S. v. 23 Dozen Boxes of Anise Seed, 23 Dozen Boxes of Whole Nutmeg, 11 Dozen Boxes of Poppy Seed, 35 Dozen Boxes of Cream of Tartar, 11 Dozen Boxes of Mustard Seed, 11 Dozen Boxes of Black Pepper, and 5 Cases of Orange Pekoe (Black) Tea. Default decree entered. Products ordered delivered to a charitable institution. (F. D. C. No. 1822. Sample Nos. 10481-E to 10487-E, incl.)

The containers of these products were deceptive, the contents ranging in the various products from 60 percent to 78 percent of the capacity of the containers.

On April 18, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named products at Passaic, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about December 22, 1939, to March 27, 1940, by B. Fisher & Co. Inc., from New York, N. Y.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. They were labeled in part: "Astor Pure Anise Seed, etc."

On June 11, 1940, no claimant having appeared, judgment was entered ordering that the products be delivered to a charitable institution.

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SHIPPERS, PROCESSORS, AND DISTRIBUTORS

Aaron, Edward, Inc. :		Anchor Milling Co. :	
eggs, frozen	1103	corn meal	1005
Acme Egg Noodle Corporation :		Anken & Feuz :	
macaroni products	1043	Limburger cheese	1098
Acme Mills :		Apte Bros. :	
flour	954	orange juice	953
Albaugh, E. W. & Son :		Arkansas City Flour Mills Co. :	
crab meat	1109	flour	956
Albin Creamery :		Armour Creameries :	
butter	1049	butter	1075
Altman's Mills :		Arn & Zweifel Co. :	
corn meal	1004	Limburger cheese	1099
Alva Roller Mills :		Arnold Milling Co. :	
flour	955	flour	957
American Fish Co. :		Arrow Creameries. :	
whitefish	1127	butter	1050
American Produce Co. :		Ashley Creamery :	
butter	1063	butter	1062
Ams, Max, Inc. :		Atlantic Fish Co. :	
apple chops	1159	crab meat	1112

	N. J. No.		N. J. No.
Atlantic Quick Freeze Co.:		Cora Lou Corporation:	
haddock, frozen-----	1119	candy-----	1196
Augenblick, M., & Bro.:		Country Club Dairy:	
butter-----	1073	butter-----	1060
Ballard & Ballard Co., Inc.:		Crown Candy Co.:	
flour-----	988	candy-----	1190
Baltic Mills, Inc.:		Crown Mills:	
corn meal-----	1006	flour-----	990
Barner, L. T.:		Cudahy Packing Co.:	
eggs-----	1100	butter-----	1952
Beatrice Creamery Co.:		Dairy & Poultry Co., Inc.:	
butter-----	1051, 1070	butter-----	1069
poultry, dressed-----	1167	Dairy & Poultry Co-Op., Inc.:	
Belfast Packing Co.:		butter-----	1058, 1083
sardines, canned-----	1126	Dairymen's Co-Operative Creamery of	
Benewah Creamery, Inc.:		Boise Valley:	
butter-----	1063	butter-----	1053
Benson Co-operative Creamery Co.:		Danahy-Faxon Stores, Inc.:	
butter-----	1064	butter-----	1054, 1067
Bentonville Canning Co.:		Dauber Bros.:	
spinach, canned-----	1144	butter-----	1057
Bentonville Evaporator Co.:		Daugherty, A. T., Produce Co.:	
apples, dried-----	1160	packing-stock butter-----	1093
Bidle, E. B.:		Davis-Cleaver Produce Co.:	
butter-----	1092	butter-----	1089
Big Chain Stores, Inc.:		Decatur Milling Co.:	
butter-----	1091	corn meal-----	1035
Bishopville Milling Co.:		Delicious Pecan Co.:	
corn meal-----	1007	pecan pieces-----	1177
Blue Star Ice & Cold Storage Co.:		Del Ray Packing Co.:	
pecans, shelled-----	1171	raisins-----	1166
Booth Fisheries Corporation:		Delta County Canning Co.:	
sole, frozen-----	1125	tomato catsup-----	1147, 1148
Borden, S. S., Co.:		De Soto Creamery & Produce Co.:	
butter-----	1082	eggs, frozen-----	1104
Breakstone Bros., Inc.:		Dewey Bros. Co.:	
butter-----	1065	corn meal-----	1011
Broeker, Charles, & Co.:		Dillon Candy Co.:	
grits-----	1036	peanut butter-----	1185, 1186
Brownell & Field Co.:		Dobry Flour Mills, Inc.:	
peanut butter-----	1183	flour-----	960
Bundy Bros. Mill Co.:		Dodd Warehouses:	
corn meal-----	1008	pecans, shelled-----	1172
Burrus Mill & Elevator Co.:		Domino Macaroni Co.:	
flour-----	958	spaghetti-----	1040
Busalacchi, T. & J., Inc.:		Dowl. P. C.:	
perch, frozen-----	1123	pecans, shelled-----	1170
California Conserving Co., Inc.:		Dreher Pickle Co.:	
tomato catsup-----	1146	tomato puree-----	1154
California Figo Co.:		Eagle Flour Mills:	
Figo-----	951	flour-----	961
Canaan, Ray, Co.:		Eagle Milling Co.:	
crab meat-----	1113	flour-----	962
Canadian Mill & Elevator Co.:		Early & Daniel Co.:	
flour-----	989	corn meal-----	1012
Cape Ann Sea Food Corporation:		East End Fish & Oyster Co.:	
pollack, frozen-----	1124	crab meat-----	1107, 1108
Carroll, Chas., & Co.:		Eastern Shore Canning Co.:	
crab meat-----	1107, 1108	peas, canned-----	1137
Carter, Macy Co., Inc.:		Edgerton Creamery:	
tea-----	952	butter-----	1080
Catz American Co., Inc.:		Eelbeck Milling Co.:	
prunes-----	1165	corn meal-----	1013
Centennial Flouring Mills Co.:		Eshelman, John W., & Sons:	
flour-----	970, 997	corn meal-----	1014
Chef Boiardi Food Products:		Eureka Creamery:	
spaghetti dinner-----	1042	butter-----	1066
Chesapeake Packing Co.:		Evans Mills, Inc.:	
crab meat-----	1110, 1115	corn meal-----	1015
Chickasha Milling Co.:		Farmers Cooperative Creamery Assoc.:	
flour-----	959	butter-----	1054, 1067
Chowan Milling Co.:		Farmers Milling Co., Inc.:	
corn meal-----	1026	corn meal-----	1016
City Mills Co.:		Farmers Union Cooperative Creamery:	
corn meal-----	1009	butter-----	1068
Clamme Canning Co.:		Fine Foods, Inc.:	
tomato puree-----	1153	dates-----	1161
Cohen, L., Grocer Co.:		peas, canned-----	1136
flour-----	957	First National Stores, Inc.:	
Cold Springs Creamery:		butter-----	1078
butter-----	1065	spaghetti-----	1041
Columbus Milling Co.:		Fischer, B., & Co., Inc.:	
corn meal-----	1010	cream of tartar-----	1200
Conrad, J. F., Grocer Co.:		spices-----	1200
spinach, canned-----	1144	tea-----	1200
		Fisher Flouring Mills Co.:	
		flour-----	963

	N. J. No.		N. J. No.
Fisher, John, Pecan Co.:		Jerpe Commission Co., Inc.:	
pecan pieces-----	1178	eggs, frozen-----	1105
Flandreau Cooperative Creamery:		Johnston, J. D., Jr., Co.:	
butter-----	1069	peanut butter-----	1182
Fleming, J. R., & Co.:		Juliette Milling Co.:	
pecan pieces-----	1179	corn meal-----	1020
Fortgang Bros.:		Kasco Mills, Inc.:	
butter-----	1050	corn meal-----	1021
Fort Madison Creamery:		Kauffman, Jacob:	
butter-----	1070	fruit, dried mixed-----	1163
Fort Worth Poultry & Egg Co.:		prunes-----	1163
butter-----	1085	Kaysville Canning Corporation:	
Fournier, R., & Sons:		tomato puree-----	1156
crab meat-----	1109	Kell, H. V., Co.:	
Fox, Peter, Sons Co.:		tea-----	952
butter-----	1081, 1084	Kier, Perry:	
Friday Canning Corporation:		butter-----	1055
peas, canned-----	1134, 1135	Kilkenny Co-Operative Creamery	
Friedman, Miles, Inc.:		Assoc.:	
butter-----	1088	butter-----	1073
Furr Food Stores, Inc.:		Kingan & Co.:	
eggs-----	1101	butter-----	1087
General Foods Corporation:		Klass Produce Co.:	
corn meal-----	1017	eggs-----	1102
General Mills, Inc.:		Kramer, J. R., Inc.:	
flour-----	998	butter-----	1050
pancake-----	999	Landsberger Creamery & Produce Co.:	
Genoa Fisheries, Inc.:		butter-----	1074
cod fillets-----	1118	Larabee Flour Mills Co.:	
Cerber, R., & Co.:		flour-----	969
olive oil-----	1189	Leonard, E. R.:	
Glenwood Sanitary Dairy:		apples-----	1130
butter-----	1078	Lerned, W. H., & Sons:	
Globe Mills:		butter-----	1079
flour-----	964	Lewisville Farmers Creamery Assoc.:	
Gloucester Seafoods Corporation:		butter-----	1076
fish, frozen-----	1120, 1121	Libby, McNeil & Libby:	
Goldcamp Mill Co.:		prunes-----	1164
corn meal-----	1018	Lineboro Canning Co.:	
Gomperts, Jack, & Co.:		peas, canned-----	1139
peaches, dried-----	1162	Lowenfels, F. F., & Son:	
Goodspeed, L. B., Inc.:		butter-----	1061
haddock, frozen-----	1119	Lurch Nut Products, Inc.:	
Grass, I. J., Noodle Co.:		nut spread-----	1188
noodle soup mixture-----	1046	Maggioni, L. P., & Co.:	
Great A & P Tea Co.:		crab meat-----	1110
butter-----	1064, 1072, 1076	Main Fish Co., Ltd.:	
Gude Bros. Kieffer Co.:		whitefish-----	1129
butter-----	1074	Majestic Flour Mill:	
Hall, Walter T., & Co.:		flour-----	970
candy-----	1191	Majestic Paste Co.:	
Harding Cream Co.:		Chinese noodles-----	1045
butter-----	1071	Manchester Corn Mill:	
Hayden Flour Mills, Inc.:		corn meal-----	1022
flour-----	965	Mantia & Sons:	
Helferich, C. M.:		perch, frozen-----	1122
butter-----	1050	Marshfield Milling Co.:	
Hellerick, Frank, Co., Inc.:		corn meal-----	1023
butter-----	1049, 1056	Martin, George, Seafood Co.:	
Herold, Jos. J., Co.:		crab meat-----	1111
butter-----	1050	Mason Ehrman Co.:	
Hillsboro-Queen Ann Cooperative Cor-		raisins-----	1166
poration:		Mayflower Mills:	
peas, canned-----	1138	flour-----	971
Hines, R. D.:		McClintock-Trunkey Co.:	
packing-stock butter-----	1094	vanilla extract-----	1199
Hoffman, John, & Sons Co.:		McCoy Canned Food Co.:	
olive oil-----	1189	peas, canned-----	1140
Holsinger, B. H.:		McDonnell, J. J., & Co.:	
peas, canned-----	1142	crab meat-----	1109
Hopkinsville Milling Co., Inc.:		Medora Roller Mills:	
flour-----	966	corn meal-----	1008
Hou-Tex Peanut Co.:		Merchants Creamery Co.:	
peanuts-----	1181	butter-----	1090
Houston Milling Co.:		Meriden Creamery Co.:	
flour-----	967	butter-----	1077
Hubbard, Lewis, & Co.:		Meridian Grain & Elevator Co.:	
corn meal-----	1014	corn meal-----	1024, 1025
Hudson Co-Operative Dairy Assoc.:		Metzendorf Bros., Inc.:	
butter-----	1072	flour-----	981
Interstate Milling Co.:		Mick, M. M.:	
corn meal-----	1019	huckleberries-----	1132
Ismert-Hincke Milling Co.:		Midwest Dairy Dispatch:	
flour-----	968	butter-----	1078
Italian Macaroni Co.:		Midwest Macaroni Co.:	
noodles-----	1044	macaroni products-----	1039

	N. J. No.		N. J. No.
Miller, B. M.:		Queen City Candy Co.:	
packing-stock butter-----	1094	candy-----	1194
Mills, Charles:		Randolph Milling Co.:	
peas, canned-----	1142	flour-----	977
Minden Butter Co.:		Ranney-Davis Mercantile Co.:	
butter-----	1096	spaghetti-----	1040
Minot Flour Mill Co., Inc.:		Ravarino-Freschi, Inc.:	
flour-----	972	noodle soup mixture-----	1047
Mitchell Canneries, Inc.:		Recorg Supply Corporation:	
tomatoes, canned-----	1145	tomato catsup-----	1147
Montana Flour Mills Co.:		Red Line Commercial Co., Inc.:	
flour-----	973	Brazil nuts-----	1169
Monticello Pecan Co.:		Red Star Milling Co.:	
pecan halves-----	1175	flour-----	981
Morey Mercantile Co.:		Riverbank Canning Co.:	
tomato puree-----	1156	tomato paste-----	1152
Morten Milling Co.:		Riverside Packing Co., Inc.:	
flour-----	1002	crab meat-----	1114
Mountain Valley Cooperative, Inc.:		Roanoke City Mills, Inc.:	
butter-----	1087	flour-----	978
Mowry Creamery Co.:		Robbins, Inc.:	
butter-----	1051	whitefish-----	1128
Mueller, C. F., Co.:		Romine, C. E.:	
macaroni-----	1037	butter-----	1057
Nashville Roller Mills:		Romine, G. W.:	
flour-----	991	butter-----	1057
Newcastle Fish Co.:		Romine, J. B.:	
crab meat-----	1116	butter-----	1057
New England Fillet Co.:		Romine, K. R.:	
perch, frozen-----	1121	butter-----	1057
New South Flour Co.:		Romine's Creamery Co.:	
flour-----	988	butter-----	1057
Norman Packing Corporation:		Rosemary Creamery, Inc.:	
corn meal-----	1026	packing-stock butter-----	1095
North Danville Creamery:		Rosenberg Bros. & Co.:	
butter-----	1079	fruit, dried mixed-----	1163
Northwestern Elevator & Mill Co.:		prunes-----	1163
flour-----	992	Royal Clover Distributing Co.:	
Norton, Willis, Co.:		dog and cat food-----	1168
flour-----	974	Royal-Stafolife Mills:	
Oakdale Pretzel & Nut Co., Inc.:		corn meal-----	1028
sugar-coated peanuts-----	1197	Rush County Mills:	
Ocono Co.:		corn meal-----	1029
tomato sauce-----	1157	Salasnek Fish House:	
Ontario Milling Co., Inc.:		whitefish-----	1128
flour-----	975	Saline County Milk Producers Assoc.:	
Owens, W. F.:		butter-----	1082
crab meat-----	1113	Sauers Milling Co.:	
Ozio Fisheries, Inc.:		flour-----	993
crab meat-----	1112	Scherlis & Katz:	
Pacific Food Products Co.:		whitefish-----	1129
raspberry preserves-----	1158	Schultz, Baujan & Co.:	
Pacific Fruit & Produce Co.:		corn meal-----	1030
dates-----	1161	Seaboard Milling Co.:	
peas, canned-----	1136	flour-----	964, 980
Pacific Pool Car Co.:		Seaside Clam Co.:	
raisins-----	1166	crab meat, canned-----	1117
Packer Products Co.:		Seiter's, Inc.:	
dog and cat food-----	1168	tomato catsup-----	1149
Paist, F. N., Co.:		Shawnee Milling Co.:	
candy-----	1192	flour-----	979
Perry Canning Co.:		Shellabarger Grain Products Co.:	
tomato puree-----	1154	soybean flour-----	1003
Pickwick Creamery:		Shenandoah Milling Co.:	
butter-----	1053	flour-----	980
Pilley, Frank, & Sons, Inc.:		Silver Shell Oyster Co.:	
butter-----	1088	crab meat-----	1116
Pillsbury Flour Mills Co.:		Sisk, A. W., & Son:	
corn meal-----	1023	peanut butter-----	1183
flour-----	996	Sisk, Albert W., & Son:	
Pipestone Produce Co.:		peas, canned-----	1137
butter-----	1080	Skinner Manufacturing Co.:	
Pleasant Grove Canning Co.:		macaroni-----	1038
tomato puree-----	1155	Slade Gorton Co.:	
Poage, R. C., Milling Co., Inc.:		perch, frozen-----	1123
corn meal-----	1027	Smith Canning Co.:	
Pollock, W. W., Mill & Elevator Co.:		pork and beans, canned-----	1143
flour-----	976	Smith, J. Allen, & Co.:	
Port of Stockton:		flour-----	994
tomato sauce-----	1157	Sni-A-Bar Creamery Co.:	
Prince Macaroni Manufacturing Co.:		butter-----	1086
spaghetti-----	1041	Southard, Emma:	
Pruitt Produce:		butter-----	1056
butter-----	1081	Southard, G. I.:	
Quaker Oats Co.:		butter-----	1049, 1056
pancake flour-----	1000		

	N. J. No.		N. J. No.
Southern Pecan Co., Inc. :		Townsend's :	
pecans, shelled-----	1173	apples-----	1131
Southern Pecan Shelling Co. :		Turlock Cooperative Growers :	
pecans, shelled-----	1174	tomato paste-----	1151
Southgate Foods :		Twin City Flouring Mills :	
peanut butter-----	1184	flour-----	1002
Southland Pecan Co., Inc. :		Two Star Confectionery Co. :	
pecan halves-----	1176	candy-----	1193
Spencer Kellogg Co. :		Ubiko Milling Co. :	
soybean flour-----	1003	corn meal-----	1031
Sperry Flour Co. :		Valley Mills :	
corn meal-----	1001	corn meal-----	1032
flour-----	998, 1001	Val Vita Food Products, Inc. :	
Standard-Tilton Milling Co. :		tomato catsup-----	1150
flour-----	981, 982, 983	Varn, A. S. :	
Standard Milling Co. :		crab meat-----	1115
flour-----	984	Velvet Nut Products, Inc. :	
Stanton Cooperative Creamery :		peanut butter-----	1187
butter-----	1058	Virginia Dare Extract Co., Inc. :	
Steele-Wedeles Co. :		flavoring extracts-----	1198
tomato puree-----	1153	Wadhams & Co. :	
Stella Cheese Co. :		vanilla extract-----	1199
cheese, grated-----	1097	Waldbaum, S. & W., Inc. :	
Stewart, A. B. :		butter-----	1055
olives, black-----	1133	Wall-Rogalsky Milling Co. :	
Sugar Creek Creamery Co. :		flour-----	985
butter-----	1059	Wallace Creamery :	
Sunshine Pecan Shelling Co. :		butter-----	1083
pecan pieces-----	1176	Webster Creamery Co. :	
Superior Feed Products :		butter-----	1061
corn meal-----	1021	Western Star Mill Co. :	
Sweet Life Food Corporation :		flour-----	986
orange juice-----	953	Wilkins Rogers Milling Co. :	
Swift & Co. :		flour-----	968
butter-----	1091	Wilson Flour Mills :	
eggs, frozen-----	1106	flour-----	987
Talbot, Woods & Co., Inc. :		Winchester Milling Co. :	
butter-----	1060, 1071	corn meal-----	1033
Taylor, H. P., Jr., Inc. :		Wood, Wade, Milling Co. :	
peas, canned-----	1141	corn meal-----	1034
Taylor & Sledd, Inc. :		Wright, W. D., Produce Co. :	
peas, canned-----	1141	butter-----	1084
Tenderoni, Inc. :		Zerr, E. M., & Co. :	
noodle soup mixture-----	1048	pecans, shelled-----	1172
Texas Star Flour Mills :		Zimmer & Dunkak, Inc. :	
flour-----	995	butter-----	1062, 1066, 1068
Thomas Bros. Candy Co. :			
candy-----	1195		

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1201-1400

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *August 7, 1941.*

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BEVERAGES AND BEVERAGE MATERIALS

TEA

1201. Misbranding of tea. U. S. v. 10 Cases of Tea. Decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2005. Sample No. 20204-E.)

These cartons of tea, when opened, were found to be about 75 percent filled. When fluffed, the tea occupied about 85 percent of the capacity of the container.

On May 24, 1940, the United States attorney for the Western District of South Carolina filed a libel against 10 cases of tea at Goldville, S. C., alleging that the article had been shipped in interstate commerce on or about April 5, 1940, by the Levering Coffee Co. from Baltimore, Md.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Tempo Tea."

On November 19, 1940, the claimant having withdrawn its answer, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

FRUIT JUICES

1202. Adulteration and misbranding of grape juice. U. S. v. 16 and 14 Cartons of Grape Juice. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2298. Sample No. 10696-E.)

This product was a mixture of grape juice, water, sugar, citric acid, and flavoring material.

On June 29, 1940, the United States attorney for the District of Connecticut filed a libel against 30 cartons of grape juice at Hartford, Conn., alleging that the article had been shipped in interstate commerce from Long Island City, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Walker's Grape Juice Drink Sugar Added * * * Pure Concord Grape Juice true fruit flavor, acid and water added [design of a bunch of grapes]."

The article was alleged to be adulterated in that a mixture of grape juice, water, sugar, citric acid, and flavor had been substituted for "Grape Juice, Sugar Added," which it purported to be; in that inferiority had been concealed by the addition of water, sugar, citric acid, and flavor; and in that water, sugar, citric acid, and flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the prominent name "Grape Juice Sugar Added" and the design of a bunch of grapes were false and misleading since they implied that the article was sweetened grape juice; and this false and misleading impression was not corrected by the inconspicuous word "Drink" nor the relatively inconspicuous ingredient statement.

On October 16, 1940, no claimant having appeared, judgment was entered as of September 20, 1940, condemning the product and ordering its distribution to charitable institutions after removal of the labels.

1203. Misbranding and alleged adulteration of Grape Punch Base. U. S. v. 99 Cases of Grape Punch Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2720. Sample No. 14371-E.)

This product was labeled to indicate that it contained a substantial amount of grape juice or concentrated grape juice. It consisted, however, of an artificially flavored and colored imitation beverage base containing less than 5 percent of grape juice or its equivalent in concentrated grape juice. A beverage made from it according to the directions in the labeling would contain less than 1 percent of grape juice. It was also short of the declared volume, and failed to comply with certain other labeling requirements of the law.

On August 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 99 cases of grape punch base at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, by the Empire Freight Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. This article was merchandise of E. A. Silzle Co. included in a pool shipment of the Empire Freight Co. It was labeled in part: (Cans) "Citra-Gold 5 to 1 Grape Punch Base * * * Packed by E. A. Silzle Corp., Anaheim, California."

The article was alleged to be adulterated in that an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; and in that artificial flavor and artificial color had been added to the article so as to reduce its quality and make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the design of a cluster of grapes and the statements "Grape Punch Base * * * Concentrated Concord Grape Juice * * * Grape Flavor * * * Grape Punch" on the can label were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice.

It was alleged to be misbranded further in that the statement "Net Contents 5¾ Fl. Oz." was false and misleading since it was incorrect; in that it was in package form and the package did not bear an accurate statement of the quantity of the contents since the package contained less than the declared amount; and in that it was offered for sale under the name of another food, namely, "Grape

Punch Base"; in that it was an imitation of another food, namely, grape punch base, and its label did not bear, in type of uniform size and prominence, the word "imitation," and immediately thereafter, the name of the food imitated; in that it was fabricated from two or more ingredients, and in that it contained artificial flavor which was not declared in the labeling.

On October 1, 1940, the E. A. Silzle Corporation, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be condemned but that it might be released under bond conditioned that it be properly relabeled.

1204. Adulteration of canned orange juice. U. S. v. 148 Cases of Canned Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 2647. Sample No. 35366-E.)

This product was undergoing chemical decomposition.

On August 24, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 148 cases of canned orange juice at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Val Vita Brand Pure California Orange Juice."

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1205. Adulteration and misbranding of Fresh Fruit Breakfast Orange. U. S. v. 100 Cases of Fresh Fruit Breakfast Orange. Default decree of condemnation and destruction. (F. D. C. No. 3194. Sample Nos. 28126-E, 28127-E, 50017-E.)

This product consisted of orange juice and water with added sugar and citric acid. It was labeled to indicate that it was orange juice and was sold as such.

On October 11, 1940, the United States attorney for the District of Columbia filed a libel against 100 cases of Fresh Fruit Breakfast Orange at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia at Highland Farms Dairy; and charging that it was adulterated and misbranded.

The following statements (with the exception of that of the quantity of contents) on the bottle label were in conspicuous type: "Guaranteed Fresh Fruit Breakfast Orange Highland Farms Dairy, Washington, D. C. * * * one quart [or "one pint" or "half-pint"] liquid." The bottle cap was labeled with a design of an orange and the following statement in conspicuous type, "Breakfast Orange Guaranteed Fresh Fruit"; and with the following statements in inconspicuous type, "Fifty percent pure fresh fruit orange added lemon juice, sugar, fruit acid."

The article was alleged to be adulterated in that a mixture of orange juice, water, sugar, and citric acid had been substituted for "Fresh Fruit Breakfast Orange"; and in that water, sugar, and citric acid had been mixed or packed with the article in a manner to conceal inferiority and to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Guaranteed Fresh Fruit Breakfast Orange * * * Lemon Juice" were false and misleading since they were incorrect; in that it was an imitation orange juice and was not labeled as an imitation; in that the statements of the quantity of contents were inconspicuous; and in that the ingredient water was not declared on the label.

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 1206 to 1215, inclusive, report seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. One of the lots in 1206 also contained rodent hairs.

1206. Adulteration of flour. U. S. v. 31 Bags of Flour (and 3 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 2466, 2517, 2536, 2673. Sample Nos. 28092-E, 28093-E, 28095-E, 28815-E, 28826-E, 28833-E.)

Between August 2 and August 28, 1940, the United States attorney for the Eastern District of North Carolina filed libels against 31 bags of flour at Littleton, N. C., 92 bags of flour at Henderson, N. C., and 10 bags at Wilson, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about March 9 to July 8, 1940, by the Dixie-Portland Flour Mills from Richmond, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled variously in part: "Green Leaf Flour Milled for * * * Washington Grain & Milling Co. Rear-don, Wash."; "Hi-Up Flour Best Patent Milled for * * * Centennial Flour-ing Mills Co. Seattle Washington"; "Stouts Best Flour * * * Dixie-Portland Flour Mills Atlanta Ga."

On October 15 and 29, 1940, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed after 30 days unless taken down under bond as provided by Section 304 of the act. The lots seized at Henderson, N. C., were taken down under bond and denatured and disposed of for purposes other than human consumption. The remaining lots were destroyed.

1207. Adulteration of flour. U. S. v. 70 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2773. Sample No. 9848-E.)

On or about August 12, 1940, the United States attorney for the Western District of Louisiana filed a libel against 70 bags of flour at Alexandria, La., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, by the International Milling Co. from Greenville, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food. The article was labeled in part: "Golden Prince Flour."

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1208. Adulteration of flour. U. S. v. 23, 40, and 95 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2516. Sample Nos. 28812-E, 28813-E, 28814-E.)

On August 14, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 23 98-pound bags and 135 48-pound bags of flour at Henderson, N. C., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by J. I. Triplett from Woodstock, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "J. I. Triplett's Everready Best Patent Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed after 30 days unless taken down under bond by the owner. Subsequently the Henderson Grocery Co. appeared as claimant and took the product down under bond to be denatured.

1209. Adulteration of self-rising flour. U. S. v. 70 and 43 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2534. Sample Nos. 28823-E, 28824-E.)

On October 17, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against 113 bags of flour at Wendell, N. C., alleging that the article had been shipped in interstate commerce on or about May 3 and June 5, 1940, by the Shenandoah Milling Co., Inc., from Norfolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Superlative Patent Self-Rising Flour."

On October 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed after 30 days unless taken down under bond by the owner.

1210. Adulteration of self-rising flour. U. S. v. 218 Bags of Flour. Consent decree of condemnation and destruction. (F. D. C. No. 3231. Sample No. 20875-E.)

On or about October 21, 1940, the United States attorney for the Southern District of Georgia filed a libel against 218 bags of flour at Augusta, Ga., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by the Yukon Mill & Grain Co. from Yukon, Okla.; and charging that it was adulter-

ated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Yukon's Queen of the West Self Rising Highest Patent Flour."

On November 30, 1940, the Yukon Mill & Grain Co. having filed an answer admitting that the product was unfit for human consumption because of contamination with insects but alleging that such contamination was the result of natural conditions due to time and weather, and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1211. Adulteration of buckwheat and wheat flour and hominy grits. U. S. v. 17 Cases of Flour and 11 Cases of Hominy Grits. Default decree of condemnation and destruction. (F. D. C. Nos. 3127, 3128. Sample Nos. 32264-E, 32265-E.)

On October 9, 1940, the United States attorney for the District of Arizona filed a libel against 17 cases of flour and 11 cases of hominy grits at Phoenix, Ariz., alleging that the article had been shipped within the period from on or about February 18, 1938, to October 11, 1939, by Albers Bros. Milling Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Albers Peacock Buckwheat and Wheat Flour Self Rising"; or "Albers Hominy Grits."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1212. Adulteration of pancake flour. U. S. v. 15 Cases of Pancake Flour. Default decree of condemnation and destruction. (F. D. C. No. 3153. Sample No. 32270-E.)

On October 9, 1940, the United States attorney for the District of Arizona filed a libel against 15 cases of pancake flour at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about September 27, 1940, by the Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Pillsbury's Pancake Flour."

On January 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1213. Adulteration of pancake flour. U. S. v. 35 Cases of Pancake Flour. Default decree of condemnation and destruction. (F. D. C. No. 3310. Sample No. 32292-E.)

On November 4, 1940, the United States attorney for the District of Arizona filed a libel against 35 cases of pancake flour at Bisbee, Ariz., alleging that the article had been shipped in interstate commerce within the period from on or about December 26, 1939, to on or about October 2, 1940, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Aunt Jemima Ready-Mix for Pancakes."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1214. Adulteration of flour. U. S. v. 65 Bags of Flour (and 3 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 2420, 2455, 2553, 2736. Sample Nos. 1387-E to 1390-E, incl., 9863-E, 24126-E, 28827-E.)

Between July 25 and September 3, 1940, the United States attorneys for the Western District of Virginia, the Northern District of Florida, the Eastern District of North Carolina, and the Eastern District of Pennsylvania filed libels against 65 bags of flour at Danville, Va.; 130 bags at Pensacola, Fla.; 254 bags at Wilson, N. C.; and 32 sacks at Lancaster, Pa., alleging that the article had been shipped in interstate commerce within the period from April 20 to May 29, 1940, by the Pillsbury Flour Mills Co. from Springfield, Ill.; Astoria, Oreg.; Enid, Okla.; and Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part variously: "Pillsbury's Springmor [or "H. R.," "Fine Ground Whole Wheat," "A. A. Cake," or "Reform"] Flour"; or "Pillsbury's Protector Flr."

Between September 4 and October 15, 1940, no claimant having appeared, judgments of condemnation were entered. The lots seized at Lancaster, Pa.; Danville, Va.; and Pensacola, Fla., were ordered destroyed. The lot located at Wilson, N. C., was ordered destroyed after 30 days unless taken down under bond by the owner, and it subsequently was destroyed in accordance with this order.

1215. Adulteration of rye flour. U. S. v. 50 Bags of Rye Flour. Default decree of condemnation and destruction. (F. D. C. No. 2817. Sample No. 35097-E.)

On September 13, 1940, the United States attorney for the Southern District of Texas filed a libel against 50 bags of rye flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 2, 1940, by the Washburn Crosby Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pure Hofmuller Rye Darls Manufactured by General Mills, Inc."

On October 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

CORN MEAL

1216. Adulteration of corn meal. U. S. v. 50 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3179. Sample No. 31301-E.)

This product contained rodent excreta, rodent hairs, and insect fragments.

On October 17, 1940, the United States attorney for the Northern District of Illinois filed a libel against 50 bags of corn meal at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 23, 1940, by the Anchor Milling Co. from Rochester, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. It was labeled in part: "Our Best Southern Plantation White Cream Corn Meal."

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1217. Adulteration of corn meal. U. S. v. 58 Bags of Corn Meal (and 2 other seizures of corn meal). Decrees of condemnation. Portions of product ordered destroyed. Remainder released under bond to be denatured for animal feed. (F. D. C. Nos. 2362, 2385, 2386. Sample Nos. 147-E, 20708-E, 20712-E.)

This product contained rodent hairs, rodent excreta, and insect fragments.

On or about July 16, 19, and 20, 1940, the United States attorneys for the Southern District of Florida and the Eastern District of South Carolina filed libels against 191 bags of corn meal at Jacksonville, Fla., and 17 bags of corn meal at Aiken, S. C., alleging that the article had been shipped in interstate commerce on or about June 29 and July 2, 1940, by the Clarke Milling Co. from Augusta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Old Fashioned Water Ground Unbolted Corn Meal."

On August 8, 1940, the Clarke Milling Co. having appeared as claimant for 133 bags of meal seized at Jacksonville, Fla., judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured, relabeled as animal feed, and disposed of for such purpose. On August 16 and September 9, 1940, no claimant having appeared in the remaining actions, judgments of condemnation were entered and the product was ordered destroyed.

1218. Adulteration of corn meal. U. S. v. 395 and 36 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3531. Sample No. 27757-E.)

This product contained rodent excreta and rodent hairs.

On December 17, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 431 bags of corn meal at Jenkins, Ky., alleging that the article had been shipped in interstate commerce on or about November 21, 1940, by the Dewey Bros. Co. from Leesburg, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Dewey's White Meal."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1219. Adulteration and misbranding of corn meal mush. U. S. v. 10 and 205 Cases of Corn Meal Mush. Consent decree of condemnation. Portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. Nos. 2270, 2271. Sample Nos. 6481-E, 6488-E.)

This product was short weight. Portions were found to contain rodent hairs and rodent excreta.

On June 26, 1940, the United States attorney for the District of Colorado filed a libel against 215 cases of corn meal mush at Denver, Colo., consigned by La Choy Food Products, Inc., alleging that the article had been shipped in interstate commerce within the period from on or about July 12, 1939, to May 1, 1940,

from Detroit, Mich.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Net Weight 1 lb. 3 oz. Table Craft Golden Yellow Corn Meal Mush."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that the statement "Net Weight 1 lb. 3 ozs." was false and misleading since the statement was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 12, 1940, La Choy Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and a portion of the product which had been found to be free from filth and unadulterated, was ordered delivered to a charitable institution and the remainder was ordered destroyed.

MACARONI PRODUCTS

1220. Misbranding of macaroni. U. S. v. 24 Cases of Macaroni. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2006. Sample No. 33089-E.)

This product occupied on an average less than half the space in the package. It was also short of the declared weight, and the net weight statement was inconspicuously placed on the ends of the package.

On May 22, 1940, the United States attorney for the District of New Jersey filed a libel against 24 cases of macaroni at Paterson, N. J., alleging that the article had been shipped in interstate commerce on or about April 23, 1940, by the De Martini Macaroni Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: (Package) "Martini Brand Pure Semolina Macaroni * * * Net Wt. 8 Oz."

It was alleged to be misbranded in that the statement "Net Wt. 8 Oz." was false and misleading since it was not correct; in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents. The article was alleged to be misbranded further in that the statement of quantity of contents required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1221. Misbranding of macaroni and spaghetti. U. S. v. 258 Cases of Macaroni and 198 Cases of Spaghetti. Consent decree of condemnation. Products ordered released under bond for repackaging. (F. D. C. No. 2435. Sample Nos. 9884-E, 9885-E.)

The macaroni occupied only about 71 percent and the spaghetti only about 67 percent of the capacity of their respective containers.

On July 25, 1940, the United States attorney for the Western District of Texas filed a libel against 258 cases of macaroni and 198 cases of spaghetti at San Antonio, Tex., alleging that the articles had been shipped in interstate commerce on or about February 19 and April 30, 1940, by the American Beauty Macaroni Co. from Kansas City, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Red & White Brand Cut Macaroni [or "Spaghetti"] Red & White Corp'n., Distributors, Chicago."

On December 10, 1940, the American Beauty Macaroni Co. and Sweeney & Co., Inc., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be repackaged under the supervision of the Food and Drug Administration.

1222. Misbranding of macaroni and spaghetti. U. S. v. 49 Cases of Macaroni and 49 Cases of Spaghetti. Consent decree of condemnation. Products ordered released under bond for repackaging or sale in bulk and destruction of containers. (F. D. C. No. 2433. Sample Nos. 2821-E, 2822-E.)

The macaroni occupied on an average about 62 percent and the spaghetti on an average about 56 percent of the space in their respective cartons.

On July 26, 1940, the United States attorney for the District of Maine filed a libel against 49 cases of macaroni and 49 cases of spaghetti at Portland, Maine, alleging that the articles had been shipped in interstate commerce on or about

July 5, 1940, by the Chicago Macaroni Co. from Chicago, Ill.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Three Medals Elbow Macaroni [or "Spaghetti"]."

On October 1, 1940, claimant, Frank R. Green, trading as Maine Tea Co., Portland, Maine, having admitted the allegations of the libel, judgment of condemnation was entered, and the products were ordered released under bond conditioned that they be emptied from the containers and repacked or sold in bulk and that the containers be destroyed.

1223. Misbranding of spaghetti and macaroni. U. S. v. 4 Cases of Spaghetti and 31 Cases of Macaroni. Default decrees of condemnation and destruction. (F. D. C. Nos. 2423, 2424. Sample Nos. 15465-E, 15466-E.)

The spaghetti occupied on an average about 32 percent and the macaroni about 50 percent of the volume of the boxes in which they were packed.

On or about July 25, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 4 cases of spaghetti and 31 cases of macaroni at Paragould, Ark., alleging that the articles had been shipped in interstate commerce on or about June 5, 1940, by Mercurio Bros. Spaghetti Manufacturing Co. from St. Louis, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: (Boxes) "Big A Brand Spaghetti [or "Macaroni"]."

On October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1224. Misbranding of spaghetti. U. S. v. 31 Cases of Spaghetti. Default decree of condemnation. Product distributed to charitable institutions. (F. D. C. No. 2319. Sample No. 9001-E.)

This product occupied only about 70 percent of the capacity of the package.

On July 8, 1940, the United States attorney for the Northern District of Florida filed a libel against 31 cases of spaghetti at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about May 18 and June 1, 1940, by the National Food Products Co. from New Orleans, La.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "Coupon Brand Spaghetti Distributed By The Lewis Bear Company, Inc., Pensacola, Florida."

On August 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions for use therein but not for sale.

1225. Misbranding of spaghetti. U. S. v. 82 Cases of Spaghetti. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2492. Sample No. 9897-E.)

This product was short of the declared weight, and its containers were deceptive since they were filled to only about 55 percent of their capacity.

On August 7, 1940, the United States attorney for the Western District of Louisiana filed a libel against 82 cases of spaghetti at Lake Charles, La., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Union Macaroni Manufacturing Co. from Beaumont, Tex.; and charging that it was misbranded. It was labeled in part: (Package) "Fresh Maid Spaghetti Net Weight 6 Ounces Calcasieu Macaroni Mfg. Co. Lake Charles, La."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 6 Ounces," was misleading; in that its containers were misleading; and in that the packages did not bear an accurate statement of the quantity of the contents.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1226. Misbranding of spaghetti dinner. U. S. v. 10 Cases, each containing 24 Cartons, of Spaghetti Dinner. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2224. Sample No. 10884-E.)

These cartons contained a box of spaghetti, a can of cheese, and a bottle of sauce. The spaghetti, which was wrapped in tissue paper, occupied less than 30 percent of the space of the box in which it was packed. The cheese occupied from 50 to 55 percent of the space in the can.

On June 17, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of spaghetti dinner at Guttenberg, N. J., alleging

that the article had been shipped in interstate commerce on or about May 31, 1940, by Henri Foods, Inc., from Long Island City, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Carton) "Henry 10 Minute Spaghetti Dinner."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1227. Misbranding of spaghetti dinner. U. S. v. 50 Cases of Spaghetti Dinner. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2357. Sample No. 33110-E.)

The carton in which this product was packed contained a wax paper envelope of grated cheese, a small bundle of spaghetti, and an unlabeled bottle of sauce. The outer carton and the bottle containing the sauce were not labeled in compliance with the requirements of the law and the spaghetti sauce was short of the weight declared on the carton.

On July 13, 1940, the United States attorney for the Southern District of New York filed a libel against 50 cases of spaghetti dinner at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 7, 1940, by Kurtz Bros. Corporation from Philadelphia, Pa.; and charging that it was misbranded. It was labeled in part: "Italian Chef Spaghetti Dinner * * * This package contains 8 Oz. Spaghetti—8 Oz. Avoir. Wt. Spaghetti Sauce—½ Oz. Italian Grated Cheese."

The article was alleged to be misbranded in that the statement "8 Oz. Avoir. Wt. Spaghetti Sauce" on the carton containing the spaghetti dinner, was false and misleading since the spaghetti sauce was short of the declared weight. Misbranding was alleged for the further reasons that the article was in package form and the carton did not bear an accurate statement of the quantity of the contents, and it did not bear the common or usual name of each and every ingredient contained therein. Misbranding was alleged for the further reason that the bottle containing the sauce was in package form and did not bear a label containing the name and place of business of the manufacturer, an accurate statement of the quantity of the contents, nor the common or usual name of each and every ingredient.

On July 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1228. Misbranding of egg noodle products. U. S. v. 13 and 23 Cartons of Egg Noodle Products. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2398. Sample Nos. 33159-E, 33160-E.)

These packages were filled, on an average, to only about 83 percent of their capacity.

On July 19, 1940, the United States attorney for the District of New Jersey filed libels against 36 cartons of egg noodle products, at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 6, 1940, by the Atlantic Macaroni Co., Inc., from Long Island City, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: "Streit's Pure Egg Noodle Products * * * Distributed by A. Streit, Inc. New York."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1229. Adulteration of egg noodles. U. S. v. 15, 15, and 33 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3041. Sample Nos. 32045-E, 32046-E, 32047-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. When such infestation occurred was not determined.

On September 17, 1940, the United States attorney for the Southern District of California filed a libel against 63 cases of egg noodles at Los Angeles, Calif. (consigned by the Golden Age Corporation), alleging that the article had been shipped in interstate commerce on or about November 3, 1938, and August 22, 1939, from Libertyville, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. All packages were labeled in part: "Golden Age Egg Noodles."

On October 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1230. Misbranding of noodle soup mix. U. S. v. "Beefy-Bowl Noodle Soup Mix with Beef Stock," etc. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2437. Sample Nos. 5688-E, 5689-E, 5690-E.)

These packages each contained noodles and an envelope of soup mix, which occupied only about 60 percent of the capacity of the package. In two of the lots the envelopes containing the soup mix did not bear a statement of the quantity of contents, and in the third lot the envelopes were unlabeled.

On or about July 30, 1940, the United States attorney for the Southern District of Ohio filed a libel against 134 packages of noodle soup mix at Cincinnati, Ohio, which had been shipped in interstate commerce within the period from on or about May 10 to on or about July 13, 1940, alleging that the article had been shipped by the Carjon Food Products Co. from Chicago, Ill.; and charging that it was misbranded. The article was variously labeled in part: (Package) "Beefy-Bowl Noodle Soup Mix with Beef Stock"; "Noodle-Bowl Noodle Soup Mix with Vegetables"; and "Chick-n-Bowl Noodle Soup Mix Flavored with Chicken Fat."

The Beefy-Bowl Soup Mix was alleged to be misbranded in that the statement "Beefy-Bowl" was misleading as applied to an artificially flavored product. It was alleged to be misbranded further in that the statement "With Beef Stock" was misleading as it referred to only one ingredient, whereas the flavor was derived in part from artificial sources.

The Chick-n-Bowl mix was alleged to be misbranded in that the statement "Chick-n-Bowl" was misleading as applied to a soup mix containing no chicken broth, a fundamental ingredient of chicken soup, the chief flavor of the product being derived from artificial sources. It was alleged to be misbranded further in that the prominent statement in the name of the article, "Flavored with Chicken Fat," was misleading as it referred to only one ingredient; whereas the flavor was derived in part from artificial sources. It was alleged to be misbranded further in that it was in package form and the envelope containing the mix did not bear the name and place of business of the manufacturer, packer, or distributor. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient.

The Noodle Bowl Mix was alleged to be misbranded in that the prominent statement in the name of the article, "with vegetables," was misleading as it referred to only one ingredient; whereas the flavor was derived in part from artificial sources. All lots were alleged to be misbranded further in that their containers were so made, formed, or filled as to be misleading and in that they were in package form and the soup mix did not bear an accurate statement of the quantity of the contents.

On November 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1231. Misbranding of potato pancake mix, noodle soup mix, and egg noodles. U. S. v. 24 Dozen Cartons of Potato Pancake Mix, 43 Dozen Cartons of Noodle Soup Mix, and 27 Dozen Cartons of Egg Noodles. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 2194. Sample Nos. 10297-E, 10298-E, 10299-E.)

The potato pancake mix was contained in a waxed paper bag packed in a cardboard carton, the bag and contents occupying less than 60 percent of the carton in which they were packed. The soup mix consisted of dried vegetables and artificial flavoring that were contained in a waxed paper envelope which was placed along one side of the carton, the noodles being packed around it; the contents occupied on an average only 85 percent of the capacity of the carton. The egg noodles occupied only about 78 percent of the capacity of the carton but when fluffed by shaking, they occupied about 85 percent of its capacity. Moreover, the name and place of business of the manufacturer was inconspicuously placed on the label.

On June 11, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named articles at Newark, N. J., alleging that they had been shipped in interstate commerce within the period from on or about March 25 to on or about May 20, 1940, by Horowitz Bros. & Margareten, from New York, N. Y.; and charging that they were misbranded. They were labeled in part: "Horowitz Margareten Potato Pancake Mix [or "Noodle Soup Mix" or "Pure Egg Noodles"]."

All articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading.

The egg noodles were alleged to be misbranded further in that the statement in the labeling, "Made in strict accordance with all U. S. Pure Food Laws," was false and misleading since it was incorrect. They were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, required by law to appear on the label were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The noodle soup mix was alleged to be misbranded further in that it contained an artificial flavor, and its label did not state that fact.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the products distributed to charitable institutions.

MISCELLANEOUS

1232. Adulteration and misbranding of cookies. U. S. v. 537 Packages and 45 Packages of Cookies. Default decrees of condemnation and destruction. (F. D. C. No. 3188. Sample No. 24285-E.)

This product contained insect fragments and was not labeled as required by law.

On October 14, 1940, the United States attorney for the Eastern District of Pennsylvania filed libels against 582 packages of cookies at Philadelphia, Pa. (consigned by the Hillman-Hyle Cookie Co.), alleging that the article had been shipped in interstate commerce on or about September 18 and 25, 1940, from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: "Freihofer's Cookies."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On November 2, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1233. Misbranding of Cheese Korn Kurls. U. S. v. 14 Cases of Cheese Korn Kurls, Default decree of condemnation and destruction. (F. D. C. No. 2304. Sample No. 36001-E.)

This product was contained in a wax paper bag so loosely packed in a cardboard carton that there was excessive space between the bag and carton in all directions. Without the wax paper bag the product would have occupied less than 50 percent of the space in the carton. Furthermore, the statement of ingredients was inconspicuously placed on the side panel.

On or about July 3, 1940, the United States attorney for the District of Rhode Island filed a libel against 14 cases of Cheese Corn Kurls, alleging that the article had been shipped in interstate commerce on or about January 5, 1940, by Lillie & Rasbach, Inc., from Ilion, N. Y.; and charging that it was misbranded. It was labeled in part: (Carton, main panels) "The New Cheese Snack Korn Kurls."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of ingredients required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On August 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1234. Adulteration of popcorn. U. S. v. 89 Bags of Popcorn. Consent decree of condemnation. Product released under bond to be reconditioned. (F. D. C. No. 1810. Sample No. 13630-E.)

This product was in interstate commerce at the time of examination at which time it was found to contain insect-damaged kernels and insect excreta. The outside of the bags also contained cocoons and live larvae.

On April 12, 1940, the United States attorney for the Western Division of Washington filed a libel against 89 bags of popcorn at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 30, 1939, by Pop Corn Growers & Distributors, Inc., from Wall Lake, Iowa; and charging that it was adulterated. The article was labeled in part: "Butter Flake Brand * * * Pop Corn."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On August 19, 1940, Pop Corn Growers & Distributors, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by the removal of all unfit material and filth.

1235. Adulteration of rice. U. S. v. 159 Bags of Rice. Default decree of condemnation and destruction. (F. D. C. No. 2726. Sample No. 9975-E.)

This product was moldy because of damage by water in transit.

On August 31, 1940, the United States attorney for the Eastern District of Louisiana filed a libel (amended on September 27, 1940) against 159 bags of rice at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Pan American Steamship Co. from Tampa, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Supreme Brand Extra Fancy River Head Rice."

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed..

1236. Misbranding of chicken tamales. U. S. v. 7 Cases and 13 Cases of Chicken Tamales. Default decrees of condemnation. Product ordered delivered to a charitable institution. (F. D. C. Nos. 1953, 1954. Sample Nos. 13160-E, 13165-E.)

This product was short weight.

On May 11, 1940, the United States attorney for the Eastern District of Washington filed libels against 20 cases of chicken tamales at Walla Walla, Wash., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, and March 6, 1940, by Stidd's, Inc., from Portland, Oreg.; and charging that it was misbranded in that the statement, "Net contents 10 oz. avoirdupois," was false and misleading since it was incorrect, and in that it was in package form and did not bear an accurate statement of the quantity of the contents. It was labeled in part: "Stidd's Chicken in the Husk Boneless Tamales, Net contents 10 oz. avoirdupois."

On June 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions after removal of the labels.

DAIRY PRODUCTS

BUTTER

1237. Adulteration of butter. U. S. v. Harry G. Kurrasch (Clinton Creamery). Plea of guilty. Fine, \$60. (F. D. C. No. 2849. Sample No. 33315-E.)

On November 22, 1940, the United States attorney for the District of Minnesota filed an information against Harry G. Kurrasch, trading as Clinton Creamery Co., at Clinton, Minn., alleging shipment on or about June 4, 1940, from the State of Minnesota into the State of New York, of a quantity of butter that was adulterated. The article was labeled in part: "Butter Distributed By J. R. Kramer, Inc. New York."

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On November 22, 1940, a plea of guilty was entered by the defendant and the court imposed a fine of \$60.

1238. Adulteration and misbranding of butter. U. S. v. Producers Dairy Marketing Association, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 2862. Samples Nos. 27248-E, 27249-E.)

On November 7, 1940, the United States attorney for the Southern District of Indiana filed an information against the Producers Dairy Marketing Association, Inc., Orleans, Ind., alleging shipment on or about June 18, 1940, from the State of Indiana into the State of Kentucky, of quantities of butter that was adulterated and a part of which was misbranded. The article was labeled in part: "One Pound Net Good-Ness Brand Creamery Butter"; or "Mellwood Dairy Incorporated * * * Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The Good-Ness brand was alleged to be misbranded in that the statement "One Pound Net," borne on the carton, was false and misleading since the cartons contained a smaller amount. This brand was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents in terms of weight.

On November 30, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

1239. Adulteration of butter. U. S. v. Saline County Milk Producers Association. Plea of guilty. Fine, \$5. (F. D. C. No. 2872. Sample Nos. 4887-E, 30522-E, 30527-E.)

On November 29, 1940, the United States attorney for the Western District of Missouri filed an information against the Saline County Milk Producers Association, a corporation, Marshall, Mo., alleging shipment on or about May 4, 1940, from the State of Missouri into the State of Illinois, of a quantity of butter that was adulterated. The article was labeled in part: "Creamery Butter S. S. Borden Co. Chicago Distributor."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On December 19, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$5.

Nos. 1240 to 1253, inclusive, of this publication report seizure and disposition of butter which contained less than 80 percent of milk fat.

1240. Misbranding and alleged adulteration of butter. U. S. v. 20 Cases of Creamery Butter. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2206. Sample Nos. 15109-E, 15112-E.)

On June 3, 1940, the United States attorney for the Western District of Tennessee filed a libel against 20 cases of creamery butter at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about May 13, 1940, by the Carthage Creamery Co. from Carthage, Mo.; and charging that it was adulterated and misbranded. It was labeled in part: "Sunlight Creamery Butter * * * The Cudahy Packing Company, Chicago, Ill., Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On June 27, 1940, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned but providing that it might be distributed to charitable institutions for use of such institutions.

1241. Adulteration and misbranding of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3035. Sample No. 36098-E.)

On September 10, 1940, the United States attorney for the District of Massachusetts filed a libel against 26 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about September 1, 1940, by the Farmers Cooperative Creamery Association from Hull, Iowa; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On September 19, 1940, the Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1242. Adulteration of butter. U. S. v. 30 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 2274. Sample No. 30501-E.)

On June 6, 1940, the United States attorney for the Northern District of Illinois filed a libel against 30 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 9, 1940, by Fuller, Rodney & Co., from Omaha, Nebr.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had

been substituted for butter. The article was labeled in part: "Manufactured by Frank Pilley & Sons * * * Miles Friedman, Inc., Chicago, Illinois, Distributors."

On June 7, 1940, Miles Friedman, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent by weight of milk fat.

1243. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2195. Sample No. 30504-E.)

On or about May 28, 1940, the United States attorney for the Northern District of Illinois filed a libel (subsequently amended) against 14 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 17, 1940, by the Harrow-Taylor Butter Co. from Kansas City, Mo.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 4, 1940, the Harrow-Taylor Butter Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reworked so that it contain at least 80 percent of milk fat.

1244. Adulteration and misbranding of butter. U. S. v. 16 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3033. Sample No. 34455-E.)

On September 7, 1940, the United States attorney for the Southern District of New York filed a libel against 16 cartons of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 27, 1940, by the Landsberger Creamery & Produce Co. from Sisseton, S. Dak.; and charging that it was adulterated and misbranded. The article was labeled in part: "Creamery Butter Distributed by Gude Bros. Kieffer Co. * * * New York."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On October 24, 1940, the Landsberger Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent by weight of milk fat.

1245. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3059. Sample No. 36099-E.)

On September 10, 1940, the United States attorney for the District of Massachusetts filed a libel against 13 tubs of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about August 30, 1940, from Duluth, Minn., for the Luverne Cooperative Creamery, Luverne, Minn.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent by weight of milk fat.

On September 19, 1940, the Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1246. Adulteration and misbranding of butter. U. S. v. Twelve 60-Pound Cubes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3803. Sample No. 40251-E.)

On January 31, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against twelve 60-pound cubes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 21, 1941, by the Manannah Creamery from Manannah, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Bulk Butter Distributed by C. G. Heyd and Co. of Phila., Pa."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 4, 1941, C. G. Heyd & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

1247. Adulteration of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.
(F. D. C. No. 3239. Sample No. 34177-E.)

On October 9, 1940, the United States attorney for the Southern District of New York filed a libel against 10 cartons of butter at New York, N. Y. (consigned by the New England Creamery from New England, N. Dak.), alleging that the article had been shipped in interstate commerce on or about September 21 and 24, 1940; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Fortgang Bros. * * * N. Y."

On October 21, 1940, Fortgang Bros., Inc., New York, N. Y., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to contain not less than 80 percent of milk fat.

1248. Adulteration and misbranding of butter. U. S. v. 21 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3012. Sample No. 2680-E.)

On September 4, 1940, the United States attorney for the District of Massachusetts filed a libel against 21 boxes of butter at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about August 23, 1940, by the Northwest Dairy Forwarding Co. from Sandstone, Minn.; and charging that it was adulterated and misbranded. The article was labeled in part: "Butter G A & P Tea Co., N. Y. Distributors."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading as it contained less than 80 percent of milk fat.

On October 7, 1940, the Freeport Cooperative Creamery, Freeport, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1249. Adulteration and misbranding of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 3034. Sample No. 36096-E.)

On September 7, 1940, the United States attorney for the District of Massachusetts filed a libel against 15 cartons of butter at Somerville, Mass., alleging that the article had been shipped in interstate commerce on or about August 29, 1940, for the Oak Park Cooperative Creamery, Oak Park, Minn.; and charging that it was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On September 19, 1940, the Pipestone Produce Co., Somerville, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent by weight of milk fat.

1250. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. D. C. No. 2257. Sample No. 30507-E.)

On or about June 7, 1940, the United States attorney for the Northern District of Illinois filed a libel against 28 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 19, 1940, by Frank Pilley & Sons from Sioux City, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On June 7, 1940, Miles Friedman, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent by weight of milk fat.

1251. Adulteration of butter. U. S. v. 94 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3807. Sample No. 31695-E.)

On or about January 29, 1941, the United States attorney for the Northern District of Illinois filed a libel against 94 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 11, 1941, by the Renwick Community Creamery from Renwick, Iowa; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter Waskow Butter Co. Distributors Chicago."

On February 4, 1941, L. D. Schreiber & Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

1252. Adulteration of butter. U. S. v. 92 Tubs and 20 Boxes of Butter. Product ordered released under bond to be reworked. (F. D. C. No. 2744. Sample Nos. 30555-E, 30556-E.)

A portion of this product contained mold in addition to being deficient in milk fat.

On or about August 26, 1940, the United States attorney for the Northern District of Illinois filed a libel against 92 tubs and 20 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 6, 1940, by Blue Star Produce, Inc., from Wahoo, Nebr., and charging that it was adulterated. A portion of the article was labeled in part: "Fancy Blue Diamond Salted Butter."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The tub butter was alleged to be adulterated further in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On October 1, 1940, Joe Naines, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

1253. Adulteration of butter. U. S. v. 310 Tubs of Butter. Consent decree of condemnation. Butter released under bond to be converted into refined butter oil. (F. D. C. No. 2663. Sample No. 30537-E.)

This product contained mold in addition to being deficient in milk fat.

On or about August 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 310 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 8, 1940, by the St. Louis Refrigerating & Cold Storage Co., from St. Louis, Mo.; and charging that it was adulterated. It was labeled in part: "Butter Distributed by Beatrice Creamery Co., Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On January 31, 1941, the Beatrice Creamery Co., of St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into refined butter oil.

Nos. 1254 to 1257, inclusive, report the seizure and disposition of butter that contained mold.

1254. Adulteration of butter. U. S. v. 30 and 4 Cases of Butter (and 4 other seizure actions against butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 2757, 3053, 3166, 3277, 3404. Sample Nos. 9646-E, 9647-E, 15483-E, 20726-E, 27061-E, 27062-E, 28865-E, 28866-E.)

Between August 16 and October 16, 1940, the United States attorney for the Southern District of Alabama, the Southern District of Florida, Western District of Tennessee, the Southern District of West Virginia, and the Eastern District of

Virginia filed libels against 34 cases of Butter at Mobile, Ala.; 6 tubs of butter at Memphis, Tenn.; 35 cases at Jacksonville, Fla.; 13 cases and 47½ pounds at Huntington, W. Va.; and 23 cases at Norfolk, Va., alleging that the article had been shipped in interstate commerce within the period from on or about July 21 to October 8, 1940, by the Armour Creameries in various shipments from Meridian, Miss.; Springfield, Mo.; Dublin, Ga.; and Louisville, Ky.; and charging that it was adulterated in that it consisted wholly or in part of a filthy or decomposed substance. The article was labeled variously in part: "Goldendale [or "Gold Band" or "Springbrook"] Butter Armour Creameries Distributors"; "Greer's 'Moo Girl' Autry Greer & Sons Distributors"; or "Green Pasture Fresh Creamery Butter Packed for R. E. Clutts * * * Huntington, West Virginia."

Between October 18 and December 21, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1255. Adulteration of butter. U. S. v. 312 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3106. Sample No. 27414-E.)

On September 16, 1940, the United States attorney for the Northern District of Ohio filed a libel against 312 pounds of butter at Canton, Ohio, alleging that the article had been shipped in interstate commerce on or about September 4, 1940, by the Cloverleaf Creamery from Decatur, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: "Farm-Land Brand Butter Distributed by the Sanitary Milk Company, Canton, Ohio."

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1256. Adulteration of butter. U. S. v. 10 Boxes of Cube Butter. Consent decree of condemnation. Product ordered released under bond to be converted into refined butter oil. (F. D. C. No. 3020. Sample No. 30560-E.)

On or about August 27, 1940, the United States attorney for the Northern District of Illinois filed a libel against 10 boxes of cube butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Fort Madison Creamery from Fort Madison, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Butter Distributed by Beatrice Creamery Co. * * * Chicago, Ill."

On January 31, 1941, the Beatrice Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be converted into refined butter oil. On February 28, 1941, the decree was amended to permit reconditioning at Chicago, Ill., instead of at Atlanta, Ga. as provided in the original decree.

1257. Adulteration of butter. U. S. v. 33 Cubes of Butter. Default decree of condemnation and destruction. (F. D. C. No. 2665. Sample Nos. 30551-E, 30553-E.)

On August 13, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended August 21, 1940) against 33 cubes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the Pruitt Produce Co. from Ardmore, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "The Peter Fox Sons Co. Distributors."

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

1258. Adulteration of cream. U. S. v. Four 10-gallon Cans of Cream (and 16 other seizure actions against cream). Consent decrees of condemnation and destruction. (F. D. C. Nos. 2446 to 2450, incl., 2781 to 2789, incl., 3036, 3037, 3038. Sample Nos. 44405-E, 44901-E, 44902-E, 44903-E, 44920-E, 44438-E, 44443-E, 44445-E, 44446-E, 44913-E, 44934-E to 44940-E, incl.)

This product was filthy and decomposed.

Between July 9 and September 6, 1940, the United States attorney for the District of Colorado filed 17 libels against a total of twenty-seven 5-gallon cans, nine 10-gallon cans, and twenty-one 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the

period from on or about July 3 to August 30, 1940, in various consignments by Harold H. Toll from Sharon Springs, Kans.; Plains Dairy from Cheyenne, Wyo.; A. L. Hall from Alliance, Nebr.; W. B. Allen from Moorcroft, Wyo.; Chas. Eitel from Moorcroft, Wyo.; Nellie E. Brown from Lamar, Nebr.; F. W. Barlow from Melrose, N. Mex.; James Gibson, Jr., from Trenton, Nebr.; Harold H. Couse from St. Francis, Kans.; G. O. Hahn from Syracuse, Kans.; Raymond Estes from Horace, Kans.; Charles R. Wall from Haigler, Nebr.; J. A. McDonald from Broken Bow, Nebr.; Hansie Johnson from Champion, Nebr.; Frank Stamm from Benkelman, Nebr.; Wildwood Griffin from Lovell, Wyo.; Leo J. Kuhn from Victoria, Kans.; Lawrence Shook from Kanorado, Kans.; Henry A. Hoff, Jr., from Victoria, Kans.; Carl Plumb from Garden City, Kans.; Dale Stevenson from Morton, Kans.; F. R. Dechant from Weskan, Kans.; William W. Ward from Palisade, Nebr.; Walter Most from Ludell, Kans.; Joe G. Zimmerman from Selden, Kans.; R. C. Hauf from Torrington, Wyo.; Guy L. Fear from Hershey, Nebr.; M. J. Reifer from Fromberg, Mont.; Ernest Garwood from Whitman, Nebr.; Mrs. Jim McFarlin from Channing, Tex.; Jos. F. Sibal from Lemoyne, Nebr.; C. C. Moore from Delhart, Tex.; M. F. Brestel from Brady Island, Nebr.; Stanley E. Shimek from Jennings, Kans.; E. B. Acker from Bridgeport, Nebr.; Herman Lehman from Worland, Wyo.; Joe Pettera from Herndon, Kans.; A. S. Abitz from Venengo, Nebr.; Claude D. Stewart from Hamlet, Nebr.; Rose Mutzebaugh from Dickens, Nebr.; Frank Bliss from Chugwater, Wyo.; Lee Taylor from Kanorado, Kans.; Coop. Union Merc. Co. from Blackwolf, Kans.; R. E. Smith from North Platte, Nebr.; John T. Nelson from Kanorado, Kans.; Frank Votapka from Jennings, Kans.; Hubert Rhoddes from Ashtola, Tex.; Henry B. Smith from Childress, Tex.; T. S. Stinnette from Wauneta, Nebr.; and T. H. Remington from Pendennis, Kans.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

The consignees having admitted the allegations of the libels and having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same date as the institution of the actions.

1259. Adulteration of cream. U. S. v. Six 10-Gallon Cans of Cream (and five other seizure actions against cream). Consent decrees of condemnation and destruction. (F. D. C. Nos. 2440 to 2445, incl. Sample Nos. 3196-E to 3200-E, incl., 19203-E.)

This product was filthy and decomposed.

Between July 12 and 16, 1940, the United States attorney for the Western District of Pennsylvania filed 6 libels against a total of forty-seven 10-gallon cans, five 5-gallon cans, and one 8-gallon can of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about July 10 to on or about July 14, 1940, in various consignments by Magnus C. White from Weston, W. Va.; Salem Feed & Flour Co. from Salem, W. Va.; B. L. Thomas from Brunswick, Md.; L. S. Kercheval from Winchester, Va.; Farmers Supply Co. from Morgantown, W. Va.; J. C. Check from White Hall, Md.; M. K. Bowers from Charles Town, W. Va.; T. C. Keiter from Martinsburg, W. Va.; by S. Mack Adams from Parsons, W. Va.; Mrs. K. W. McGinnis from Wellsburg, W. Va.; A. W. Helbig from Oakland, Md.; Fairmont Creamery Co. from Strasburg, Va.; Mabel E. Furr from Brunswick, Md.; D. C. Hinkle from Petersburg, W. Va.; G. W. Richenback from New Martinsville, W. Va.; by R. Woodlord from Phillippi, W. Va.; Mrs. John W. Fike from Friendsville, Md.; E. J. Snapp from Winchester, Va.; Edna Dustin from Laurel, Md.; Harold Chesrown from Mannington, W. Va.; W. Riggensbach from New Martinsville, W. Va.; J. T. Fisher & Son from Barnesville, Md.; Eldridge Geary from Hagerstown, Md.; J. A. Cupp from Buena Vista, Va.; R. F. Unger from Berkley Springs, W. Va.; T. C. Keiter from Gaithersburg, Md.; Mrs. Josie Mollohan from Sutton, W. Va.; and H. R. Stanley from Ellenboro, W. Va.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

The consignees having consented to the entry of orders for the immediate destruction of the product, decrees were entered accordingly on the same dates as the institution of the actions.

EGGS

1260. Adulteration of frozen eggs. U. S. v. The Peter Fox Sons Co., Inc. of Tennessee, a corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 2120. Sample No. 10340-E.)

On September 16, 1940, the United States attorney for the Middle District of Tennessee filed an information against the Peter Fox Sons Co., Inc., of Tennessee, a corporation, at Nashville, Tenn., alleging shipment on or about September 23, 1939, from the State of Tennessee into the State of New York, of a quantity of frozen mixed eggs that were adulterated in that they consisted in whole and in part of a putrid and decomposed substance.

On October 25, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

1261. Adulteration of frozen whole eggs. U. S. v. 150 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2015. Sample Nos. 7556-E, 7835-E.)

Samples of this product were found to be putrid, sour, or musty.

On May 23, 1940, the United States attorney for the Southern District of California filed a libel against 150 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about May 2, 1940, by Edward Aaron from Kansas City, Mo.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance. The article was labeled in part: "Fancy Gold Bond Frozen Fresh Whole Eggs."

On June 4, 1940, the Acme Egg & Poultry Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. All cans containing decomposed eggs were segregated and denatured.

1262. Adulteration of frozen eggs. U. S. v. 413 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the bad portion. (F. D. C. No. 2369. Sample No. 348-E.)

This product was found to be in part putrid, musty, or sour.

On July 17, 1940, the United States attorney for the Western District of North Carolina filed a libel against 413 cans of frozen eggs at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about May 23, 1940, by the Henderson Produce Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a putrid or decomposed substance or was otherwise unfit for food. The article was labeled in part: "Uwanta Frozen Eggs."

On August 5, 1940, L. C. Henderson, trading as the Henderson Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the bad portion be segregated and destroyed.

1263. Adulteration of frozen whole eggs. U. S. v. 500 Cans of Whole Eggs. Consent decree of condemnation. Product released under bond for salvaging of the fit portion. (F. D. C. No. 3355. Sample No. 8949-E.)

This product was in part decomposed.

On November 7, 1940, the United States attorney for the District of Minnesota filed a libel against 500 cans of whole eggs at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 19, 1940, by Rothenberg & Schneider Bros., Inc., from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 9, 1940, Rothenberg & Schneider Bros., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fit portion. All cans were examined and the unfit portion was denatured.

1264. Adulteration of frozen whole eggs. U. S. v. 400 Cans and 400 Cans of Frozen Eggs. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 2135, 2153. Sample Nos. 7842-E, 7843-E.)

Samples of this product were found to be decomposed.

On May 31 and June 3, 1940, the United States attorney for the Southern District of California filed libels against 800 cans of frozen whole eggs at Los

Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 20 and 29, 1940, by the Lubbock Poultry & Egg Division of Wilson & Co., Inc., from Lubbock, Tex.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On June 4, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law. The unfit portion was segregated and denatured.

1265. Adulteration of frozen egg yolks, egg whites, and whole mixed eggs. U. S. v. Fifty-three 30-Pound Cans of Yolk, et al. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 1833. Sample Nos. 13638-E to 13641-E, incl.)

These products were in part putrid or decomposed.

On April 18, 1940, the United States attorney for the Western District of Washington filed a libel against 62 cans of frozen egg yolks, 51 cans of frozen egg whites, and 12 cans of frozen whole mixed eggs, at Seattle, Wash., alleging that the articles had been shipped in interstate commerce on or about October 8, 1939, and March 24, 1940, by the Glacier Dairy from Kalispell, Mont.; and charging that they were adulterated in that they consisted in whole or in part of putrid or decomposed substances.

On September 5, 1940, the Glacier Dairy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that they should not be disposed of in violation of the law. The cans were examined and all decomposed eggs were destroyed.

1266. Adulteration of egg whites. U. S. v. 850 Cans of Frozen Egg Whites. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 3108. Sample No. 32441-E.)

This product was in part decomposed and putrid.

On September 27, 1940, the United States attorney for the Southern District of California filed a libel against 850 cans of frozen egg whites at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about September 15, 1940, by the United States Cold Storage from Dallas, Tex., and charging that it was adulterated in that it contained a putrid or decomposed substance. It was labeled in part: "Tranin Egg Products Co. * * * Egg Whites."

On October 15, 1940, the Tranin Egg Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was examined and all unfit egg whites were destroyed.

FISHERIES PRODUCTS

CRAB MEAT

1267. Adulteration of crab meat. U. S. v. 500 1-Pound Cans and 5 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 2585, 2592. Sample Nos. 35179-E, 35363-E.)

This product contained evidence of the presence of filth.

On August 1 and 2, 1940, the United States attorneys for the Eastern District of Pennsylvania and the District of Maryland filed libels against 500 pound cans of crab meat at Philadelphia, Pa., and 5 barrels each containing 100 pounds of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 30, 1940, by Louisiana Blue Crab Distributors, Inc., from Westwego and Harvey, La.; and charging that it was adulterated. The product in both lots was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance. The lot seized at Baltimore, Md., was alleged to be adulterated further in that it had been prepared, packed, or held under insanitary conditions.

On August 17 and September 11, 1940, no claimant having appeared judgments of condemnation were entered and the product was ordered destroyed.

1268. Adulteration of crab meat. U. S. v. 600 Cans, 500 Cans, and 3 Barrels of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 2225, 2236. Sample Nos. 9406-E, 9762-E, 9765-E.)

This product contained evidence of the presence of filth.

On June 13 and 14, 1940, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 1,100 cans of crab meat at Washington, D. C., and 3 barrels containing 299 cases of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 10 and 11, 1940, by Louisiana Blue Crab Distributors, Inc., of Westwego, La., from Harvey, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On July 5 and 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1269. Adulteration of crab meat. U. S. v. 200 Cans of Crab Meat. Default decree of condemnation and destruction. (F. D. C. No. 2214. Sample No. 9434-E.)

This product contained evidence of the presence of filth.

On June 7, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 200 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 4, 1940, by the George Martin Sea Food Co. from Westwego, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1270. Adulteration of crab meat. U. S. v. 4 Barrels, 3 Barrels, and 89 Cans of Crab Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 2134, 2142, 2313. Sample Nos. 9026-E, 9721-E, 9723-E, 28055-E.)

Two lots of this product contained evidence of the presence of filth; the other was in part decomposed.

On May 23 and 24 and July 3, 1940, the United States attorney for the District of Maryland filed libels against 7 barrels and 89 cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about May 20 to on or about June 30, 1940, by the Skrmetta Sea Food Co. from New Orleans, La.; and charging that it was adulterated. Two of the lots were labeled in part: (Tags) "From Skrmetta Sea Food Co., New Orleans, La., to Imperial Fish Co., Baltimore, Md." The remaining lot was labeled: "Packed by Skrmetta Sea Food Co."

Adulteration was alleged in that the product in two of the lots consisted in whole or in part of a filthy substance; and that in the third lot consisted in whole or in part of a decomposed substance.

On June 24 and July 29, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1271. Misbranding of crab meat. U. S. v. 5 Cases of Crab Meat. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3344. Sample No. 34497-E.)

This product was falsely branded as to the country in which it was produced.

On November 8, 1940, the United States attorney for the Southern District of New York filed a libel against 5 cases of crab meat at New York, N. Y., alleging that the article had been shipped on or about November 16, 1939, by Mitsui Bussan Kaisha, Ltd., from Yokohama, Japan. The article, when imported, was labeled in part: "Sakura Musume Brand Crabmeat * * * Packed in Japan"; on October 4, 1940, 5 cases of the product were sold to S. S. Krum & Co., who had the original labels stripped from the cans and affixed thereto labels reading in part: "Ribolov Brand Selected Crabmeat Packed in U. S. S. R. (Russia)."

The article was alleged to be misbranded in that the statement "Packed in U. S. S. R. (Russia)" was false and misleading as applied to an article packed in Japan.

On December 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

FROZEN FISH

Nos. 1272 to 1279, inclusive, report the seizure and disposition of frozen fish fillets that were in whole or in part decomposed.

1272. Adulteration of cod fillets. U. S. v. 62 Boxes of Cod Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3351. Sample Nos. 39524-E, 39526-E.)

Examination showed the presence of decomposed fillets in this shipment.

On November 6, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 62 boxes of cod fillets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 16, 1940, by R. O'Brien & Co., Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1273. Adulteration of frozen flounder fillets. U. S. v. 112 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3337. Sample No. 43032-E.)

On or about November 12, 1940, the United States attorney for the Western District of Missouri filed a libel against 112 boxes of frozen fillets at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by the Atlantic Coast Fisheries Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Atco Fresh Frozen Cello. Wrapped Flounder Fillets."

On December 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1274. Adulteration of frozen haddock. U. S. v. 482 Boxes of Frozen Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3314. Sample Nos. 20149-E, 20151-E.)

On or about October 31, 1940, the United States attorney for the Southern District of Florida filed libels against 482 boxes of frozen haddock fillets at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 28, 1940, by Chesbro Robbins & Graham from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1275. Adulteration of red perch. U. S. v. 161 Boxes of Red Perch Fillets. Consent decree of condemnation and destruction. (F. D. C. No. 2462. Sample No. 4402-E.)

Decomposition was found in but one lot of this product; all lots were infested with parasites.

On August 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 161 boxes of red perch fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 19, 1940, by Slade Gorton Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Red Perch Fillets * * * T. and J. Busalacchi, Inc., Boston, Mass. * * * Deep Sea Brand."

On September 25, 1940, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1276. Adulteration of fish. U. S. v. 100 Boxes of Red Perch and 180 Boxes of Pollack Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 3294, 3362. Sample Nos. 31848-E, 31869-E.)

On or about November 2 and 22, 1940, the United States attorney for the Northern District of Illinois filed libels against 100 boxes of red perch and 180 boxes of pollack fillets at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about September 4 and October 22, 1940, by the

Cape Ann Fisheries, Inc., from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Cape Ann Brand Pollack Fillets [or "Red Perch"]."

On December 16, 1940, and January 28, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1277. Adulteration of pollack fillets. U. S. v. 108 Boxes of Pollack Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3313. Sample No. 27466-E.)

On October 30, 1940, the United States attorney for the Southern District of Ohio filed a libel against 108 boxes of pollack fillets at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 8, 1940, by the Gloucester Fish Pier Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1278. Adulteration of frozen fillets of sole. U. S. v. 234 Cartons of Frozen Fillet of Sole. Default decree of condemnation and destruction. (F. D. C. No. 3244. Sample No. 44050-E.)

On October 19, 1940, the United States attorney for the District of Colorado filed a libel against 234 cartons of frozen fresh fillet of sole at Denver, Colo. (consigned by the Atlantic Quick Freeze Co.), alleging that the article had been shipped in interstate commerce on or about October 2, 1940, from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Packages) "Four Winds Frozen Fresh Fillet of Sole * * * United Frosted Foods Inc."

On December 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1279. Adulteration of frozen whiting. U. S. v. 60 Boxes of Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3352. Sample No. 27488-E.)

On November 8, 1940, the United States attorney for the Southern District of Ohio filed a libel against 60 boxes of whiting at Norwood, Ohio (consigned September 23, 1940), alleging that the article had been shipped in interstate commerce by Gloucester Sea Foods, Inc., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part "Butterfly Whiting."

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FISH AND SHELLFISH

1280. Adulteration and misbranding of canned clams. U. S. v. 38 Cases of Clams. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 3287. Sample No. 36444-E.)

This product contained excessive free liquid, and the drained weight was less than that declared on the label.

On October 31, 1940, the United States attorney for the District of New Hampshire filed a libel against 38 cases of clams at Berlin, N. H., alleging that the article had been shipped in interstate commerce on or about September 12, 1940, by R. B. and C. G. Stevens, from Columbia Falls, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Jonesport Brand Fancy Clams Contents 5 Ozs. [or "Contents 10½ Ozs. Avoir."]."

The article was alleged to be adulterated in that diluted clam juice had been substituted in whole or in part for clams.

It was alleged to be misbranded in that the statements "Contents 5 Ozs." or "Contents 10½ Ozs." were false and misleading since they were not true either with respect to the drained weight or total net weight. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

1281. Adulteration and misbranding of canned oysters. U. S. v. 50 Cases of Oysters. Consent decree of condemnation and destruction. (F. D. C. No. 2539. Sample No. 13295-E.)

This product consisted mainly of cuts and pieces of oysters of various sizes. It contained pieces of shell, many of them small enough to be swallowed and lodged in the throat. They were also sharp and capable of inflicting injury in the mouth.

On August 13, 1940, the United States attorney for the Southern District of California filed a libel against 50 cases of oysters at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 17, 1940, by Wiegardt Bros. from Ocean Park, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Best for Soup Brand * * * Oysters."

It was alleged to be adulterated in that it contained a deleterious substance, namely, pieces of shell which might have rendered it injurious to health; in that an article containing shell fragments had been substituted wholly or in part for oysters, which it purported to be; and in that shell fragments had been mixed or packed with it so as to reduce its quality.

The article was alleged to be misbranded in that the picture of a whole oyster that was shown on the can label was false and misleading since it consisted largely of cut oysters.

On October 9, 1940, Wiegardt Bros. filed a claim and answer and petitioned permission to withdraw samples and on October 10, 1940, the court ordered that a dozen cans be delivered to the claimant and a like number to the Government.

On November 9, 1940, the claimant having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1282. Adulteration and misbranding of canned tuna fish. U. S. v. 13 Cases of Tuna Fish. Default decree of condemnation. Product ordered delivered to benevolent organization. (F. D. C. No. 2348. Sample No. 33113-E.)

This product was yellowfin or a similar species of tuna. It was in interstate commerce when examined and was found to be labeled "Fancy White Meat Tuna."

On July 12, 1940, the United States attorney for the Eastern District of New York filed a libel against 13 cases of tuna fish at Brooklyn, N. Y., alleging that the article had been shipped on or about August 19, 1939, by the Sea Foods Corporation from Zamboanga, P. I. At the time of shipment the cases were stenciled "Canned Tuna Fancy product of Philippines," but the cans were unlabeled. At the time of filing the libel the cans were labeled in part: "Brookline Brand * * * Fancy White Meat Tuna The Brooklyn Wholesale Grocery Co. Brooklyn, N. Y. Distributors."

The article was alleged to be adulterated in that light meat tuna had been substituted wholly or in part for white meat tuna, which it purported to be. It was alleged to be misbranded in that the statement "Fancy White Meat Tuna" was false and misleading since it was not white meat tuna; and in that it was offered for sale under the name of another food.

On September 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a benevolent organization for use by that organization.

1283. Adulteration and misbranding of tuna fish. U. S. v. 5 Cases of Tuna Fish. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3171. Sample No. 34484-E.)

This product was yellow fin or some similar species of tuna and not white meat tuna as labeled.

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against five cases of tuna fish at West New York, N. J., alleging that the article had been shipped in interstate commerce on or about August 15, 1940, by the Sweet Life Food Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "White Meat Tuna Fish."

The article was alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported

to be. It was alleged to be misbranded in that the statement "white meat tuna fish" was false and misleading; and in that it was offered for sale under the name of another food.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions after removal of the labels.

MISCELLANEOUS

1284. Adulteration of scallops. U. S. v. 96 Cans of Scallops. Default decree of condemnation and destruction. (F. D. C. No. 2514. Sample No. 32416-E.)

This product had been imported and was in interstate commerce at the time of examination, at which time it was found to be in whole or in part decomposed.

On August 9, 1940, the United States attorney for the Southern District of California filed a libel against 96 cans of scallops at Los Angeles, Calif., alleging that the article had been shipped by Elvira Martinez from Mazatlan, Sinaloa, Mexico, on or about July 27, 1940; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: (Lids) "Product of Mexico."

On September 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1285. Adulteration of fish roe. U. S. v. 56 Cans of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 1928. Sample No. 1870-E.)

Examination showed that this product was decomposed.

On May 6, 1940, the United States attorney for the District of Columbia filed a libel against 56 cans of fish roe at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about May 1, 1940, by T. C. Slaughter from Reedville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1286. Misbranding of sandwich spread. U. S. v. 78 Cartons and 75 Cases of Sandwich Spread. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 2011. Sample No. 13386-E.)

The labels of these products were misleading since they bore the prominent designations "Kippered * * * Tuna" and "Kippered * * * Salmon," which conveyed the impression that they consisted essentially of tuna or salmon; whereas they consisted of ground fish and other ingredients, and the misleading impression was not corrected by the less conspicuous statement "Salad Sandwich Spread" or the still less conspicuous statement "Oil, Salt, Fish, Flour Added," borne on the labels. Both products were also short weight.

On May 31, 1940, the United States attorney for the Southern District of New York filed a libel against 78 cartons of Sandwich Spread Tuna and 75 cases of Sandwich Spread Salmon at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about May 1, 1940, by the Stayton Canning Co. Cooperative from Stayton, Oreg.; and charging that they were misbranded. The articles were labeled in part: (Cans) "Kippered Salad Sandwich Spread Tuna [or "Salmon"] Gray Gull Fisheries Co. New York, N. Y. * * * Net Weight 8 Oz."

They were alleged to be misbranded in that the prominent designations "Kippered * * * Tuna" and "Kippered * * * Salmon" and other statements contained on the labels were false and misleading as applied to articles which consisted of ground fish and other ingredients. They were alleged to be misbranded further in that the statement "Net Weight 8 Oz." was false and misleading since it was not correct; and in that the articles were in package form and did not bear an accurate statement of the quantity of the contents.

On June 20, 1940, Gray Gull Fisheries Co., of New York, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the requirements of the law.

FRUITS AND VEGETABLES

FRESH FRUITS

1287. Adulteration of apples. U. S. v. 58 Bushel Baskets of Apples. Default decree of condemnation and destruction. (F. D. C. No. 2504. Sample No. 24091-E.)

This product contained excessive lead.

On July 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 58 bushel baskets of Duchess apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 27, 1940, by Arthur Collins from Moorestown, N. J.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, lead, which might have rendered it injurious to health.

On August 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1288. Adulteration of apples. U. S. v. 24 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 3328. Sample No. 52077-E.)

This product contained excessive lead and arsenic.

On October 31, 1940, the United States attorney for the District of Idaho filed a libel against 24 boxes of apples at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about October 22, 1940, by A. Lahti from Clarkston, Wash.; and charging that it was adulterated in that it bore added poisonous or deleterious substances, lead and arsenic, which might have rendered it injurious to health.

On December 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1289. Adulteration of huckleberries. U. S. v. 40 Crates of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2489. Sample No. 1686-E.)

This product contained maggots.

On August 6, 1940, the United States attorney for the District of Columbia filed a libel against 40 crates of huckleberries at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia, and remained in interstate commerce in possession of the Terminal Refrigerating & Warehousing Corporation stored to the account of the Crusty Pie Co., Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On August 22, 1940, the Crusty Pie Company, Inc., claimant, having petitioned authority to withdraw samples of the seized goods, an order was entered permitting the petitioner and the Government to take such samples and on October 2, 1940, an order was entered permitting withdrawal of further samples. On October 9, 1940, the claimant having abandoned the product and the court having found that it was adulterated as alleged in the libel, judgment of condemnation and destruction was entered.

1290. Adulteration of huckleberries. U. S. v. 36 1-Bushel Baskets of Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 2556. Sample No. 1900-E.)

This product contained maggots.

On August 14, 1940, the United States attorney for the District of Columbia filed a libel against 36 bushel baskets of huckleberries at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Terminal Refrigerating & Warehouseing Corporation, said article being stored to the account of the Connecticut Pie Co., of Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1291. Adulteration of raspberries. U. S. v. 16 Barrels of Raspberries. Default decree of condemnation and destruction. (F. D. C. No. 2987. Sample No. 34434-E.)

This produce had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be in whole or in part moldy and decomposed.

On September 16, 1940, the United States attorney for the District of New Jersey filed a libel against 16 barrels of raspberries at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about May 2, 1939, by W. R. Otto & Co. from Naples, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

1292. Adulteration of canned blackberries. U. S. v. 50 Cases of Canned Blackberries. Consent decree of condemnation and destruction. (F. D. C. No. 3092. Sample No. 26520-E.)

Examination showed the presence of moldy berries in this product.

On September 26, 1940, the United States attorney for the Territory of Hawaii filed a libel against 50 cases of canned blackberries at Honolulu, T. H., (consigned by Pacific Northwest Canning Co.), alleging that the article had been shipped in interstate commerce on or about August 9, 1940, from Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Famous Puyallup Brand Water Pack Blackberries."

On October 12, 1940, the American Factors, Ltd., Honolulu, T. H., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1293. Adulteration and misbranding of strawberries and raspberries. U. S. v. 597 Crates and 218 Crates of Strawberries, and 39 Crates of Raspberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3073, 3078. Sample Nos. 34536-E, 36583-E, 36584-E.)

Examination showed the presence of moldy berries in these shipments. Moreover, the boxes were of a size that should hold about 1.6 pints; but they had false bottoms, and the raspberry boxes contained only about 1 pint and the strawberry boxes contained about 1.1 pint of fruit.

On September 23, 1940, the United States attorneys for the District of Massachusetts and the Southern District of New York filed libels against 597 crates of strawberries and 39 crates of raspberries at Boston, Mass., and 218 crates of strawberries at New York, N. Y., alleging that the articles had been shipped in interstate commerce on or about September 11 and 14, 1940, by George F. Brooks from Missoula, Mont.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

They were alleged to be misbranded in that the containers were so made, formed, or filled as to be misleading.

On October 8 and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1294. Misbranding of canned cherries. U. S. v. 165 Cartons of Canned Cherries. Consent decree of condemnation. Product released under bond for re-labeling. (F. D. C. No. 2990. Sample No. 26307-E.)

This product was substandard because of the presence of excessive pits, and it was not labeled to indicate that it was substandard.

On September 14, 1940, the United States attorney for the Southern District of Texas filed a libel against 165 cartons of canned cherries at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 10, 1940, by the Oceanic Sales Co. from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: (Cans) "Fargo Brand Red Sour Pitted Cherries * * * Packed for Food Products Co. of America Chicago."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law but its quality fell below such standard; and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On October 25, 1940, the C. S. Kale Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the regulations.

1295. Adulteration and misbranding of canned beans. U. S. v. 40 Cases and 49 Cases of Beans. Default decree of condemnation and destruction. (F. D. C. Nos. 2603, 2819. Sample Nos. 26411-E, 26946-E.)

This product was represented to consist of beans with pork and tomato sauce or tomato puree; whereas it contained no tomato sauce or puree and little or no pork. Some of the cans in one shipment contained excessive liquid.

On August 26 and September 17, 1940, the United States attorney for the District of Oregon filed libels against 40 cases of canned beans at Grants Pass, Oreg., and 49 cases at Eugene, Oreg., alleging that the article had been shipped in interstate commerce on or about July 29 and August 7, 1940, by Northwest Food Products, Inc., from Seattle, Wash.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Aunt Mandy's Brand Beans with Pork and Tomato Sauce [or "Beans with Pork and Sauce Contains * * * Tomato Puree"]].

Adulteration was alleged in that a product consisting of beans with a considerable amount of added fluid in one of the shipments and containing no tomato sauce and little or no pork had been substituted for beans with pork and tomato sauce.

The article was alleged to be misbranded in that the statement "Beans with Pork and Tomato Sauce" with respect to portions of the article and the statement "Beans with pork * * * contains tomato puree" with respect to the remainder, and the vignette showing a substantial amount of pork and no free liquid on the labeling of portions of the article, were false and misleading as applied to an article containing no tomato sauce or tomato puree, little or no pork, and containing a considerable amount of free liquid packing medium in some of the cans.

On October 9 and November 28, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed or delivered to charitable institutions.

1296. Adulteration of grilled mushrooms. U. S. v. 135 Cans and 12 Cases of Grilled Mushrooms. Default decrees of condemnation and destruction. (F. D. C. Nos. 2456, 2693. Sample Nos. 33733-E, 33857-E.)

This product was decomposed.

On July 27 and August 28, 1940, the United States attorney for the Southern District of New York filed libels against 135 cans and 12 cases of grilled mushrooms at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about February 2 to on or about June 14, 1940, by Turin's Inn from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. One lot was labeled in part: (Cans) "Lily White Brand Grilled Mushrooms * * * sold by R. H. Macy & Co. New York." The remaining lot was labeled in part: "Connoisseur Grilled Mushrooms * * * Packed for Jules Weber Incorporated New York."

On August 15 and September 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1297. Adulteration of grilled mushrooms. U. S. v. 25 Cases of Grilled Mushrooms (and 2 other seizures of grilled mushrooms). Default decrees of condemnation and destruction. (F. D. C. Nos. 2587, 2588, 2589. Sample Nos. 33854-E, 33855-E, 33856-E.)

This product was decomposed.

On August 17, 1940, the United States attorney for the Southern District of New York filed libels against 61 cases of grilled mushrooms, alleging that the article had been shipped in interstate commerce within the period from on or about February 14, 1939, to on or about July 17, 1940, by Turin's Inn from Hazleton, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Grilled Mushrooms, Julius Wile Sons & Co. Inc." or "'Au Gourmet' Brand Mushrooms * * * Distributed by Meyer & Lange New York."

On September 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1298. Adulteration and misbranding of canned peas. U. S. v. The Mount Airy Canning Co., Burton Proctor, Jr., and Luke Amato. Pleas of guilty. Fines, \$450 and costs. (F. D. C. No. 2116. Sample Nos. 73699-D, 73978-D, 73979-D, 86853-D.)

This product was in whole or in part decomposed. It also was falsely labeled as to variety and name and place of business of the packer.

On October 25, 1940, the United States attorney for the District of Maryland filed an information against the Mount Airy Canning Co., a corporation, Baltimore, Md., Burton Proctor, Jr., and Luke Amato, alleging shipment within the period from on or about December 11, 1939, to January 2, 1940, from the State of Maryland into the State of Massachusetts, of quantities of canned peas that were adulterated and misbranded. A portion of the article was labeled in part: "Chapel Brand * * * Early June Peas * * * Distributed by Talbot Packing Corp. Easton, Md." The remainder was labeled in part: "Tisso Good Brand Early June Peas * * * Packed by Talbot Packing and Preserving Co. Easton, Md."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that the statement "Early June Peas" with respect to all lots, and the statement "Distributed by Talbot Packing Corp. Easton, Md. U. S. A." or "Packed by Talbot Packing and Preserving Co. Easton, Md. U. S. A.," borne on the label, were false and misleading in that they represented that the article consisted of early June peas which had been distributed or packed by the said firms; whereas it did not consist of early June peas, but did consist in whole or in part of sweet peas, and had not been distributed or packed by the said firms, but had been distributed or packed by the Mount Airy Canning Co.

On December 2, 1940, pleas of guilty having been entered, the court imposed a fine of \$150 against each defendant. Costs also were imposed.

1299. Adulteration and misbranding of canned peas. U. S. v. Frederick City Packing Co. and Samuel H. Rosenstock. Pleas of guilty. Fines, \$100 and costs. (F. D. C. No. 2114. Sample Nos. 86269-D, 86270-D, 88105-D.)

This product was canned mature dried peas and not immature, succulent peas as indicated by the labeling.

On September 26, 1940, the United States attorney for the District of Maryland filed an information against the Frederick City Packing Co., a corporation, Frederick, Md., and Samuel H. Rosenstock, alleging shipment within the period from on or about January 8 to January 29, 1940, from the State of Maryland into the State of New Jersey and from the State of New Jersey into the State of Maryland, of quantities of canned peas which were adulterated and misbranded. The article was labeled in part: "Richland Brand Early June Peas."

The article was alleged to be adulterated in that mature, dried peas had been substituted in whole and in part for Early June peas, i. e., immature, succulent peas, which it purported to be.

It was alleged to be misbranded in that the statement, "Early June Peas" together with the design of peas in pods, borne on the label, was false and misleading since the said statement and design represented that the article consisted of immature, succulent peas whereas it did not so consist, but did consist in whole or in part of mature dried peas.

On November 13, 1940, pleas of guilty were entered and the court imposed a fine of \$50 against each defendant. Costs were also imposed.

1300. Adulteration and misbranding of canned peas. U. S. v. Herman F. Bruder. Plea of guilty. Fine, \$10. (F. D. C. No. 2104. Sample Nos. 67637-D, 69275-D, 69276-D, 69278-D, 69279-D.)

Mature peas had been substituted for immature peas.

On September 26, 1940, the United States attorney for the District of Rhode Island filed an information against Herman F. Bruder, Providence, R. I., alleging shipment within the period from on or about July 24 to on or about August 1, 1939, from the State of Rhode Island into the States of Connecticut and Massachusetts of quantities of canned peas that were adulterated and misbranded. The article was labeled in part: "Admiration Selected Early June Peas * * * Edwin Smithson Company, Incorporated, Distributor, New York."

It was alleged to be adulterated in that matured dried peas had been substituted in whole and in part for Early June peas, to wit, succulent peas, which it purported to be.

The article was alleged to be misbranded in that the statements "Early June Peas" and "Edwin Smithson Company, Incorporated, Distributor, New York," together with a design of peas in pods borne on the can label, were false and misleading in that they represented that the article consisted of immature, succulent peas and that Edwin Smithson Co., Inc., of New York, N. Y., was the

distributor; whereas they did not consist of immature succulent peas but did consist in whole or in part of mature dried peas, and Edwin Smithson Co., Inc., New York, N. Y., was not the distributor of the article.

On November 29, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

1301. Adulteration of canned peas. U. S. v. 234 and 72 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2190. Sample No. 33096-E.)

This product was decomposed.

On June 12, 1940, the United States attorney for the Southern District of New York filed a libel against 306 cases of canned peas at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by the Fuhremann Canning Co. from Berlin, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cambrian Brand Wisconsin Sweet Variety Peas * * * W. Sivek & Son Distributors New York, N. Y."

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1302. Adulteration of canned peas. U. S. v. 13 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2017. Sample No. 13183-E.)

This product contained weevils.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of canned peas at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Cans) "Nation's Garden Brand Sweet Peas Packed For Fine Foods, Inc., Seattle-Minneapolis."

The libel also charged adulteration of a lot of tomato catsup, as reported in notice of judgment No. 1307 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1303. Misbranding of candied yams. U. S. v. 198 Cases of Candied Yams. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1961. Sample No. 11009-E.)

This product was represented to be candied yams; whereas it contained little or no sirup and was in no sense candied.

On or about May 16, 1940, the United States attorney for the Southern District of Texas filed a libel against 198 cases of candied yams at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the Pine Grove Canning Co. from St. Martinville, La.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pine Grove Brand Candied Golden Yams Candied with Pure Cane Sugar Syrup."

It was alleged to be misbranded in that the statements "Candied Golden Yams * * * Candied with Pure Cane Sugar Syrup" were false and misleading as applied to an article containing little or no sirup; and in that it was offered for sale under the name of another food.

On August 3, 1940, the Pine Grove Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was released under bond for relabeling.

TOMATOES AND TOMATO PRODUCTS

1304. Misbranding of canned tomatoes. U. S. v. 52 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. D. C. No. 2521. Sample No. 9795-E.)

This product was substandard in quality because of poor color, and it was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 52 cases of canned tomatoes at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 1, 1940, by the Dorgan Packing Corporation from Crystal Springs,

Miss.; and charging that it was misbranded. It was labeled in part: (Cans) "Gulf Kist Brand Tomatoes."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On September 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1305. Misbranding of canned tomatoes. U. S. v. 1,198 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2538. Sample No. 29118-E.)

This product was substandard in quality because it contained excessive peel and was not labeled to indicate that it was substandard.

On August 13, 1940, the United States attorney for the Middle District of Georgia filed a libel against 598 cases of canned tomatoes at Macon, Ga. On August 22, 1940, the libel was amended to include an additional 600 cases of the product. It was alleged in the libel as amended that the article had been shipped in interstate commerce on or about July 23 and August 1, 1940, by J. W. Holloway from Fort Pierce, Fla.; and that it was misbranded. The article was labeled in part: (Cans) "Royal King Brand Tomatoes * * * Pomona Products Co. Main Office Griffin, Ga. [or "Packed by Holloway Canning Co. Ft. Pierce, Florida"]."

It was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label did not bear in such manner and form as the regulations specify, a statement that it fell below such standard.

On November 7, 1940, Ruan & Co., Macon, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in accordance with the regulations.

1306. Adulteration of tomato catsup. U. S. v. Beutel Pickling & Canning Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2071. Sample Nos. 75482-D, 81413-D, 81414-D.)

This product contained excessive mold, indicating the presence of decomposed material.

On June 8, 1940, the United States attorney for the Eastern District of Michigan filed an information against the Beutel Pickling & Canning Co., a corporation at Bay City, Mich., alleging shipment on or about September 25 and October 4, 1939, from the State of Michigan into the States of Ohio and Pennsylvania, of quantities of tomato catsup that was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Michigan Tomato Catsup"; or "Sunny Boy Brand * * * Tomato Catsup Distributed by Potter-McCune Co. McKeesport, Pa."

On October 1, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

1307. Adulteration of tomato catsup. U. S. v. 13 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 2016. Sample No. 13182-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On May 27, 1940, the United States attorney for the District of Idaho filed a libel against 13 cases of tomato catsup at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about April 4, 1940, by the Pacific Fruit & Produce Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: (Cans) "Gateway Brand Tomato Catsup * * * Perry Canning Co. Perry, Utah."

The libel also charged adulteration of a lot of canned peas reported in notice of judgment No. 1302 of this supplement.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and both products were ordered destroyed.

1308. Adulteration of tomato catsup. U. S. v. 430 Cases of Tomato Catsup. Consent decree of condemnation and destruction. (F. D. C. No. 1711. Sample No. 16027-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On March 26, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 430 cases of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 31, 1939, by the Smith Canning Co. from Clearfield, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was unfit for food. The article was labeled in part: (Cans) "La Vora Brand Catsup."

On December 10, 1940, the Griffin Grocery Co., of Oklahoma City, Okla., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1309. Adulteration and misbranding of tomato catsup. U. S. v. 149 and 115 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. D. C. No. 2201. Sample No. 21012-E.)

This product contained worm and insect fragments.

On June 13, 1940, the United States attorney for the Southern District of Texas filed libels against 264 cases of tomato catsup at Corpus Christi, Tex., alleging that the article had been shipped in interstate commerce on or about May 15, 1940, by the Howard Terminal from Oakland, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Red and White Brand Tomato Catsup Red and White Corp'n Distributors Chicago."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

It was alleged to be misbranded in that the statement "Complies with all pure food laws," borne on the neck label, was false and misleading since it was incorrect.

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1310. Misbranding of tomato catsup. U. S. v. 250 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2356. Sample No. 6284-E.)

Examination showed that this product was short weight.

On July 20, 1940, the United States attorney for the District of Kansas filed a libel against 250 cases of tomato catsup at Goodland, Kans., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by the Pleasant Grove Canning Co., from Pleasant Grove, Utah; and charging that it was misbranded. The article was labeled in part: (Bottles) "Pleasant Grove Brand Tomato Catsup 14 Ozs. Net Weight."

It was alleged to be misbranded in that the statement "14 Ozs. Net Weight" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On August 6, 1940, the Pleasant Grove Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of this Agency.

1311. Adulteration of tomato puree. U. S. v. 852 Cartons of Tomato Puree. Product adjudged adulterated and ordered released under bond for segregating and salvaging fit portion. (F. D. C. No. 1839. Sample Nos. 16408-E, 16412-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On May 13, 1940, the United States attorney for the District of Nebraska filed a libel against 852 cartons of tomato puree at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by the Kaysville Canning Corporation from Barnes, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 12, 1940, the Kaysville Canning Corporation, claimant, having admitted the allegations of the libel, judgment was entered finding the product adulterated and ordering that it be released under bond for segregating and salvaging the fit portion.

1312. Adulteration of tomato puree. U. S. v. 109 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 3066. Sample No. 20954-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On September 23, 1940, the United States attorney for the Northern District of Georgia filed a libel against 109 cases of tomato puree at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about August 21, 1940, by the White Pine Canning Co. from White Pine, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Jefferson Brand Tomato Puree."

On October 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1313. Adulteration of tomato soup. U. S. v. 39 Cases and 59 Cases of Tomato Soup. Default decree of condemnation and destruction. (F. D. C. Nos. 2146, 2147. Sample Nos. 12476-E, 12477-E.)

This product contained excessive mold, indicating the presence of decomposed material.

On June 3, 1940, the United States attorney for the Western District of Washington filed a libel against 98 cases of tomato soup at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about April 26, 1940, by the Sunnyvale Packing Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Rancho California Tomato Soup Condensed."

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED FRUITS

1314. Adulteration of evaporated apples. U. S. v. 120 Boxes of Evaporated Apples. Default decree of condemnation and destruction. (F. D. C. No. 3382. Sample No. 43103-E.)

Examination showed this product to be wormy, moldy, and dirty.

On November 18, 1940, the United States attorney for the Western District of Oklahoma filed a libel against 120 boxes of evaporated apples at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Dorman-Smith Evaporating Co. from Farmington, Ark.; and charging that the product was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Wonder Brand Evaporated Apples."

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1315. Adulteration and misbranding of evaporated apples. U. S. v. 8 Boxes of Evaporated Apples. Default decree of condemnation and destruction. (F. D. C. No. 2701. Sample No. 4062-E.)

This product contained peelings, cores, seeds, stems, twine, wood splinters, insects, and miscellaneous filth. Moreover, the boxes bore no statement of the quantity of the contents.

On August 28, 1940, the United States attorney for the Eastern District of Michigan filed a libel against eight boxes of evaporated apples at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about July 5, 1940, by Griggs, Cooper & Co. from St. Paul, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "California Evaporated Apples."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On October 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1316. Adulteration of evaporated apples. U. S. v. 227 Boxes of Evaporated Apples. Default decree of condemnation and destruction. (F. D. C. No. 3324. Sample No. 38158-E.)

This product contained peel, core, seeds, stems and leaves, wood splinters, string and rope fibers, insects, and miscellaneous dirt.

On October 31, 1940, the United States attorney for the District of Minnesota filed a libel against 227 boxes of evaporated apples at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 29, 1940, by Rosenberg Bros. & Co. from Santa Clara, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "50 Lbs. Net * * * California Evaporated Apples."

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1317 to 1332 (with the exception of Nos. 1320 and 1321, which involve criminal actions based on insect-infested dried fruits) report seizure and disposition of dried fruits that had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time they were found to be insect-infested.

1317. Adulteration of figs. U. S. v. 49 Cases of Figs. Default decree of condemnation and destruction. (F. D. C. No. 3201. Sample Nos. 21342-E, 24379-E.)

This product was moldy as well as insect-infested.

On October 14, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 49 cases of figs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 4, 1940, by the California Packing Corporation from Stockton, Calif., and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Tast Best Brand * * * Calimyrna Figs."

On November 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1318. Adulteration of dried fruits. U. S. v. 47 Cases of Currants, 89 Cases of Prunes, and 300 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 2751. Sample Nos. 20443-E to 20447-E, incl.)

The room of the warehouse in which these products were stored was infested with weevils.

On or about September 19, 1940, the United States attorney for the Southern District of Florida filed a libel against the alleged adulterated products at Miami, Fla., alleging that they had been shipped in interstate commerce within the period from on or about December 2, 1939, to on or about February 28, 1940, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging that they were adulterated. They were labeled in part variously: "Iris Brand California Currants [or "Prunes" or "Raisins"] * * * Jobbers Special Brand California Thompson Seedless Raisins"; or "Eureka Brand California Golden Bleached Thompson Seedless Raisins."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1319. Adulteration of dried peaches. U. S. v. 1,200 Cases of Dried Peaches. Default decree of condemnation and destruction. (F. D. C. No. 3228. Sample No. 12195-E.)

On October 17, 1940, the United States attorney for the Southern District of New York filed a libel against 1,200 cases of dried peaches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1940, by the Bonner Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Falcon Brand Extra Choice Peaches."

On November 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 1320. Adulteration of dried prunes. U. S. v. Winchester Dried Fruit Co., Antonio Teresi, and Bert Kirk, Jr. Pleas of guilty. Fine, \$800. (F. D. C. No. 2109. Sample Nos. 10406-E, 10407-E.)**

This product was decomposed as well as insect-infested.

On September 4, 1940, the United States attorney for the Northern District of California filed an information against the Winchester Dried Fruit Co., a corporation, Campbell, Calif., and Antonio Teresi and Bert Kirk, Jr., alleging shipment on or about October 28 and December 1, 1939, from the State of California into the State of New York, of quantities of dried prunes that were adulterated in that they consisted in whole and in part of a filthy and decomposed substance. The article was labeled in part: "Manhattan Natural Condition Prunes for Manufacturing Purposes."

On September 14, 1940, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$500 against the corporation and \$150 against each of the individual defendants.

- 1321. Adulteration of prunes. U. S. v. California Prune & Apricot Growers Association. Plea of guilty. Fine, \$250. (F. D. C. No. 2850. Sample No. 10491-E.)**

On October 22, 1940, the United States attorney for the Northern District of California filed an information against the California Prune & Apricot Growers Association at San Jose, Calif., alleging shipment on or about January 19, 1940, from the State of California into the State of New York, of a quantity of prunes that were adulterated in that they consisted in whole and in part of a filthy substance. The article was labeled in part: "Manhattan * * * Prunes."

On November 22, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

- 1322. Adulteration of prunes. U. S. v. 68 and 26 Cases of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 2752. Sample Nos. 20448-E, 20449-E.)**

The warehouse in which this product was stored was infested with weevils.

On or about September 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 94 cases of prunes at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 28, 1939, and May 10, 1940, by the California Prune & Apricot Growers Association, from San Jose, Calif., and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Sunsweet Nature Flavored Tree Ripened Prunes" or "California Fruits Golden Glow Brand Prunes."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

- 1323. Adulteration and misbranding of dried prunes. U. S. v. 1,000 Cases and 600 Cases of Dried Prunes. Default decree of condemnation and destruction. (F. D. C. No. 1979. Sample Nos. 33101-E, 33102-E.)**

This product was decomposed as well as insect-infested. It was packed in cases labeled as containing canned peaches or canned pears and was consequently misbranded as indicated below.

On May 17, 1940, the United States attorney for the Southern District of New York filed a libel against 1,600 cases of dried prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 5 and March 14, 1940, by Mayfair Packing Co. from San Jose, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

It was alleged to be misbranded in that the statements "72 8 Oz. Tins Paradise Brand Sliced Yellow Cling Peaches [or "B. B. Brand Bartlett Pears"] Packed by Bisceglia Brothers Canning Co. San Jose, Calif." were false and misleading since they were incorrect.

The article was alleged to be misbranded further in that it was in package form and did not bear the name and place of business of the manufacturer, packer, or distributor; it did not bear an accurate statement of the quantity of the contents; and did not bear the common or usual name of the food.

On June 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1324. Adulteration of prunes. U. S. v. 124 Cases of Prunes. Default decree of condemnation and destruction. (F. D. C. No. 2753. Sample No. 20450-E.)

The room in which this product was stored was infested with weevils.

On or about September 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 124 cases of prunes at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about December 10, 1939, by Paulus Bros. Packing Co. from Salem, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Blue Tag * * * Evaporated Oregon Prunes."

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1325. Adulteration of prunes. U. S. v. 1,300 Cartons of Prunes (and 4 other seizure actions against prunes). Consent decrees of condemnation, with provision for release under bond for denaturing. Orders of destruction entered for failure to comply with conditions of original decrees. (F. D. C. Nos. 1893, 1978, 1992, 2018, 2215, 2216. Sample Nos. 10492-E, 10493-E, 33085-E, 33086-E, 33099-E, 33190-E, 33103-E, 33104-E, 33105-E.)

Most lots of this product were decomposed as well as insect-infested.

Between April 30 and June 17, 1940, the United States attorney for the Southern District of New York filed libels against a total of 1,300 cartons, 750 cases, 407 cases, and 684 sacks of prunes at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about January 22 to on or about April 25, 1940, by Rosenberg Bros. & Co. from San Francisco, Calif.; and charging that it was adulterated in that one lot consisted of a filthy substance and the remaining lots consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Calif. Prunes" or "Prunes for Manufacturing Purposes Only."

On October 21, 1940, Max Ams, Inc., the American Fig & Date Co., and J. Cane & Sons, of New York, N. Y., claimants for their respective lots, having admitted the allegations of the libels, judgments of condemnation were entered. The decrees provided that the product might be taken down under bond by the claimants to be denatured and disposed of as feed for livestock. On February 21, 1941, the claimants having failed to denature the product within the time provided by the decrees, judgments of destruction were entered.

1326. Adulteration of raisins. U. S. v. 178 Cartons of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3064. Sample No. 45902-E.)

On September 21, 1940, the United States attorney for the District of Oregon filed a libel against 178 cartons of raisins at Salem, Oreg., alleging that the article had been shipped in interstate commerce on or about March 2, 1940, by the El Mar Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cal Ray Brand Choice Thompson Seedless Raisins."

On November 28, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1327. Adulteration of raisins. U. S. v. 126 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3262. Sample No. 34496-E.)

On October 22, 1940, the United States attorney for the Southern District of New York filed a libel against 126 cases of raisins at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Lion Packing Co. from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Lion Brand * * * Seedless Raisins."

On December 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1328. Adulteration of raisins. U. S. v. 319 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3270. Sample No. 35433-E.)

On October 23, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 319 cases of raisins at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 23, 1940, by the Pacific Raisin Co., Inc., from Fowler, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Daisy Bell Brand Choice Thompson Seedless Raisins."

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1329. Adulteration of raisins. U. S. v. 47 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3180. Sample No. 34490-E.)

On October 10, 1940, the United States attorney for the Southern District of New York filed a libel against 47 cases of raisins at Mount Vernon, N. Y., alleging that the article had been shipped in interstate commerce on or about January 14, 1940, by the Peloian Packing Co. from Reedley, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Pel-Pak Brand Choice Thompson Seedless Raisins."

On November 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1330. Adulteration of raisins. U. S. v. 41 Cases of Raisins (and two other seizure actions against raisins). Default decrees of condemnation and destruction. (F. D. C. Nos. 2630, 2702, 2821. Sample Nos. 35331-E, 35342-E, 9614-E.)

Between August 20 and September 17, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 77 cases of raisins at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 1 and April 5, 1940, by Rosenberg Bros. & Co., from San Francisco and Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Package) "Valley Brand Seedless Raisins" or "Dubon Brand * * * Thompson Seedless Raisins."

On September 24 and December 20, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1331. Adulteration of raisins. U. S. v. 13 Cases of Seedless Raisins. Default decree of condemnation and destruction. (F. D. C. No. 3331. Sample No. 34670-E.)

The time when this product became insect-infested was not determined.

On November 2, 1940, the United States attorney for the District of Connecticut filed a libel against 13 cases of seedless raisins at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about August 8, 1940, by the Sunland Sales Cooperative Association from Fresno, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Packages) "Blue Ribbon Brand Seedless Raisins Sun-Maid Raisin Growers of California Fresno, California."

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1332. Adulteration of raisins. U. S. v. 35 Cases of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 2750. Sample No. 20442-E.)

The room of the warehouse in which this product was stored was infested with weevils.

On or about September 19, 1940, the United States attorney for the Southern District of Florida filed a libel against 35 cases of raisins at Miami, Fla., alleging that the article had been shipped in interstate commerce on or about May 8, 1940, by the Sunland Sales Cooperative Association from Fresno, Calif.; and charging that it was adulterated. The article was labeled in part: "Sun-Maid Raisins * * * Sun-Maid Raisin Growers of California Fresno, California."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUIT AND VEGETABLE PRODUCTS

1333. Adulteration of raspberry and blackberry preserves. U. S. v. Pacific Food Products Co., a corporation. (F. D. C. No. 2858. Sample Nos. 7437-E, 12978-E.)

The raspberry preserves contained insects and larvae, and the blackberry preserves contained mold.

On November 15, 1940, the United States attorney for the Western District of Washington filed an information against the Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment within the period from on or about

August 28, 1939, to March 18, 1940, from the State of Washington into the State of California, of quantities of blackberry and raspberry preserves that were adulterated. The raspberry preserves were labeled in part: "Sunny Jim Brand * * * Pure Raspberry Preserves."

It was alleged that the blackberry preserves were adulterated in that they consisted in whole and in part of a decomposed substance; and that the raspberry preserves were adulterated in that they consisted in whole and in part of a filthy substance.

On December 9, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

1334. Adulteration of preserves. U. S. v. 3½ Cases of Cherry Preserves and 10 Cases of Strawberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 2266. Sample Nos. 7950-E, 7951-E, 7952-E.)

These products were fermenting.

On June 27, 1940, the United States attorney for the District of Arizona filed a libel against 13½ cases of preserves at Holbrook, Ariz., alleging that the articles had been shipped in interstate commerce on or about April 25, 1939, by the Kopper Kettle Preserving Co. from Los Angeles, Calif.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Armstrong's Pure Cherry [or "Strawberry"] Preserves * * * Packed by J. D. Armstrong Los Angeles, Calif."

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1335. Adulteration and misbranding of FruZert. U. S. v. 189 Cases of Pear FruZert and 181 Cases of Peach FruZert. Default decree of condemnation and destruction. (F. D. C. No. 2267. Sample Nos. 9466-E, 9467-E.)

These products were labeled to indicate that they were 100 percent fruit products; whereas they contained added water, sugar, and starch.

On June 25, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 189 cases of Pear FruZert and 181 cases of Peach FruZert at New Orleans, La., alleging that the articles had been shipped in interstate commerce on or about February 7, 1940, by the General Sales Co. from San Francisco, Calif.; and charging that they were adulterated and misbranded. The article was labeled in part: "Pear [or "Peach"] FruZert * * * Prepared by The FruZert Company Richmond, Calif."

The articles were alleged to be adulterated in that mixtures of fruit, water, sugar, and starch had been substituted wholly or in part for "FruZert, a preparation * * * made from ripe pears [or "peaches"]"; in that inferiority had been concealed through the addition of water, sugar, and starch; and in that water, sugar, and starch had been added thereto, or mixed or packed therewith so as to make them appear better or of greater value than they were.

The articles were alleged to be misbranded in that the statements, "Pear FruZert A Preparation * * * Made From Ripe Pears" and "Peach FruZert A Preparation * * * Made From Ripe Peaches," were false and misleading in that they implied 100 percent fruit products; and in that they were fabricated from two or more ingredients and their labels did not bear the common or usual name of each ingredient.

On September 24, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1336. Adulteration and misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13693-E.)

This product was a mixture of powdered soya bean and powdered milk.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against two cases of powdered milk of soya bean at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was adulterated and misbranded. It was labeled in part: "Original Powdered Milk of Soya Bean Radcliffe Soya Products, San Francisco, Calif."

The article was alleged to be adulterated in that a mixture of powdered soya bean and powdered milk had been substituted wholly or in part for milk of the soya bean.

It was alleged to be misbranded in that the statements appearing on the label, "Endorsed by the U. S. Dept. of Agriculture, Washington, D. C. * * * Original Powdered Milk of Soya Bean * * * It is Especially Valuable for infant feeding and ranks closely to Mother's milk or better * * * Rich in Vitamins," were false and misleading since they were incorrect.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs reported in drug and device notices of judgment.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1337. Misbranding of vinegar. U. S. v. 30 Cases of Vinegar. Default decree of destruction. (F. D. C. No. 3125. Sample No. 39290-E.)

This product was short of the declared volume.

On or about October 5, 1940, the United States attorney for the Western District of Missouri filed a libel against 30 cases of vinegar at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about August 8 and 22, 1940, by Gregory-Robinson-Speas, Inc., from Rogers, Ark.; and charging that it was misbranded. The article was labeled in part: (Jars) "Knockout Brand Contents 1 quart."

The article was alleged to be misbranded in that the statement "Contents 1 quart" was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 2, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

POULTRY

1338. Adulteration of poultry. U. S. v. Edward Aaron, Inc., Edward Aaron, and Harold S. Kander. Pleas of guilty. Fine, \$100 and costs. (F. D. C. No. 2099. Sample No. 66510-D.)

This product consisted in whole or in part of diseased poultry.

On August 12, 1940, the United States attorney for the District of Nebraska filed an information against Edward Aaron, Inc., Omaha, Nebr., and Edward Aaron, and Harold S. Kander, alleging shipment on or about November 3, 1939, from the State of Nebraska into the State of Missouri of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals.

On November 12, 1940, pleas of guilty having been entered, the court sentenced the defendants to pay a fine of \$100 jointly together with costs.

1339. Adulteration of poultry. U. S. v. Marion Poultry Co. Plea of guilty. Fine, \$200. (F. D. C. No. 2105. Sample No. 46903-D.)

Water had been injected into the poultry involved in this action. Diseased birds also were present.

On October 1, 1940, the United States attorney for the Southern District of Indiana filed an information against the Marion Poultry Co., a corporation, Indianapolis, Ind., alleging that on or about September 27, 1939, the defendant introduced and delivered for introduction in interstate commerce, i. e., delivered to a warehouse at Indianapolis, Ind., to be held there for shipment from Indianapolis, Ind., to Chicago, Ill., a quantity of poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in whole and in part of the product of diseased animals, namely, diseased poultry; and in that a substance, water, had been substituted in whole and in part for the article and had been added thereto so as to increase its bulk or weight.

On November 2, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

1340. Adulteration of turkeys and other poultry. U. S. v. Hoerman Packing Co. and F. Carroll Conklin. Pleas of guilty. Joint fine of \$25 and costs. (F. D. C. No. 2080. Sample Nos. 85709-D, 85713-D.)

On August 17, 1940, the United States attorney for the District of Kansas filed an information against the Hoerman Packing Co., a corporation, and F. Carroll Conklin, at Linn, Kans., alleging shipment on or about December 15 and 27, 1939, from the State of Kansas into the State of New York, of a quantity of turkeys and poultry that were adulterated in that they were in whole or in part the products of diseased animals, namely, diseased turkeys or diseased poultry.

On November 20, 1940, pleas of guilty having been entered, the defendants were jointly fined \$25 with costs.

1341. Adulteration of turkeys. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.).
Plea of nolo contendere. Fine, \$50. (F. D. C. No. 953. Sample Nos.
86306-D, 86307-D.)

These turkeys were in whole or in part diseased, emaciated, or decomposed.

On May 20, 1940, the United States attorney for the Eastern District of Oklahoma filed an information against Hugh A. Pruitt, trading as the Pruitt Produce Co., Ardmore, Okla., alleging shipment on or about November 17 and November 20, 1939, from the State of Oklahoma into the State of New York, of quantities of turkeys that were adulterated.

The article was alleged to be adulterated in that it was in whole or in part the product of diseased animals, i. e., diseased and emaciated turkeys; and in that it consisted in part of a decomposed substance.

On October 15, 1940, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

1342. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of
condemnation and destruction. (F. D. C. No. 3268. Sample No. 34463-E.)

This product was in whole or in part diseased poultry, or poultry that had died otherwise than by slaughter.

On October 23, 1940, the United States attorney for the Southern District of New York filed a libel against two barrels of poultry at Bronx, N. Y., alleging that the article had been shipped in interstate commerce on or about October 11, 1940, by the Cranbury Poultry Co. from Cranbury, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1343. Adulteration of poultry. U. S. v. 4 Boxes of Poultry. Default decree of
condemnation and destruction. (F. D. C. No. 3323. Sample No. 34467-E.)

Examination showed the presence of diseased birds in this shipment.

On November 2, 1940, the United States attorney for the Southern District of New York filed a libel against four boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 18, 1940, by the Henderson Produce Co. from Monroe City, Mo.; and charging that it was adulterated in that it was in whole or in part the product of a diseased animal.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1344. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of
condemnation and destruction. (F. D. C. No. 3334. Sample No. 34468-E.)

Examination showed the presence of diseased birds in this shipment.

On November 4, 1940, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1940, by the Iowa Poultry Producers Marketing Association from Ottumwa, Iowa; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1345. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of
condemnation and destruction. (F. D. C. No. 3163. Sample No. 34461-E.)

Examination showed the presence of decomposed and diseased birds in this shipment.

On October 8, 1940, the United States attorney for the Southern District of New York filed a libel against one barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 28, 1940, by the Prairie Produce Co., Inc., from Elkader, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1346. Adulteration of poultry. U. S. v. 3 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3395. Sample No. 34473-E.)

This product consisted in whole or in part of decomposed and diseased poultry.

On November 19, 1940, the United States attorney for the Southern District of New York filed a libel against three boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 31, 1940, by the Rochester Egg & Poultry Co. from Rochester, Minn.; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; and in that it was in whole or in part the product of diseased animals.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1347. Adulteration of poultry. U. S. v. 2 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3267. Sample No. 34462-E.)

This poultry was in whole or in part diseased and decomposed.

On October 24, 1940, the United States attorney for the Southern District of New York filed a libel against two boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 3, 1940, by Mrs. George D. Tracy Poultry & Eggs from Tracy, Minn.; and charging that it was adulterated.

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance or was otherwise unfit for food; and in that it was in whole or in part the product of diseased animals.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

1348. Adulteration of pecan pieces. U. S. v. 4 Cases of Pecan Pieces. Default decree of condemnation and destruction. (F. D. C. No. 3579. Sample No. 37225-E.)

This product was in interstate commerce at the time of examination and was found to be in whole or in part moldy at that time.

On or about December 27, 1940, the United States attorney for the Southern District of Florida filed a libel against four cases of pecan pieces at Miami, Fla., alleging that the article had been shipped in interstate commerce within the period from on or about November 25 to November 30, 1940, by the Southern Seed & Pecan Co. from Cairo, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 27, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

✓ 1349. Adulteration of shelled peanuts. U. S. v. 247 Bags of Shelled Peanuts. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 2457. Sample No. 14259-E.)

These peanuts were in part decomposed and wormy.

On July 26, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 247 bags of peanuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1940, by the Birdsong Storage Co. from Troy, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part "Shelled Runner Peanuts."

On July 31, 1940, the Birdsong Storage Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The nuts were sorted and the rejects were denatured and disposed of for hog feed.

1350. Misbranding of peanut butter. U. S. v. 36 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 2825. Sample No. 9906-E.)

This product was short weight.

On September 17, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 36 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about July 19 and August 1, 1940, by Paul's [Paulk's] Products, Inc. from Opp, Ala.;

and charging that it was misbranded. It was labeled in part: (Jars) "Supreme Brand Peanut Butter * * * Net Wt. 1 Pound."

The article was alleged to be misbranded in that the statement "Net Wt. 1 Pound" was false and misleading since it was not correct; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1351. Misbranding of peanut butter. U. S. v. 70 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 1878. Sample No. 10192-E.)

This product was short weight.

On April 25, 1940, the United States attorney for the District of New Jersey filed a libel against 70 cases of peanut butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 12, 1940, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was misbranded. It was labeled in part: (Jars) "The Better Grade Uco Peanut Butter Contents 12 Ozs. Net Wt. Uco Food Corp. Distributors Newark, N. J."

The article was alleged to be misbranded in that the statement on the label, "Contents 12 Ozs. Net Wt.," was false and misleading since it was not correct; and in that it was in package form and failed to bear an accurate statement of the quantity of the contents.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the labels be destroyed and the product distributed to charitable institutions.

1352. Misbranding of peanut butter. U. S. v. 50 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2044. Sample No. 5868-E.)

This product was short weight.

On June 3, 1940, the United States attorney for the Southern District of West Virginia filed a libel against 50 cases of peanut butter at Williamson, W. Va., alleging that the article had been shipped in interstate commerce on or about April 2, 1940, by Producers Peanut Co., Inc., from Suffolk, Va., and charging that it was misbranded. It was labeled in part: (Jar) "Armour's Star Pure Peanut Butter 6 Oz. Net * * * Armour and Company."

Misbranding was alleged in substance in that the statement on the label, "6 Oz. Net," was false and misleading since the jars contained less than that amount.

On June 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

OILS AND FATS

OLIVE OIL

1353. Adulteration and misbranding of olive oil. U. S. v. 10 Cans and 24 Cans of Olive Oil. Default decrees of condemnation and destruction. (F. D. C. Nos. 3169, 3170. Sample Nos. 36626-E, 36627-E, 36628-E.)

This product, which was represented to be pure olive oil, was found to consist almost entirely of cottonseed oil with little or no olive oil present.

On October 9, 1940, the United States attorney for the District of Massachusetts filed libels against 34 cans of olive oil at Framingham, Mass., alleging that the article had been shipped in interstate commerce on or about September 23 and October 7, 1940, by the Columbia Tea Co. from Providence, R. I.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Puglia Brand Superfine Pure Olive Oil" and "Pure Stella Alpino Brand Imported Olive Oil."

The article was alleged to be adulterated in that a substance consisting almost entirely of cottonseed oil with little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be.

The Puglia brand was alleged to be misbranded in that the following statements in the labeling were false and misleading as applied to an article consisting almost entirely of cottonseed oil with little or no olive oil: "Superfine Pure Olive Oil Imported From Lucca, Italy"; "Imported from Italy." The Stella Alpino brand was alleged to be misbranded in that it was offered for sale under the

name of another food, namely: "Imported Olive Oil Olio D'Oliva de Lucca Italia Imported from Italy."

On November 18, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1354. Adulteration and misbranding of olive oil. U. S. v. 6 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 3393. Sample No. 2697-E.)

This product was represented in its labeling to be olive oil; whereas it consisted of an artificially flavored and colored oil similar to soya bean oil, containing little or no olive oil. It was also short of the declared volume.

On November 18, 1940, the United States attorney for the District of Massachusetts filed a libel against six cases of olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about November 7, 1940, by Tony Romano from Pawtucket, R. I.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that an artificially flavored and colored oil similar to soya bean oil containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; in that inferiority had been concealed by the addition of artificial flavor and color; and in that artificial flavor and color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Imported from Italy Italian Product Virgin Olive Oil Imported Superfine Brand Lucca Prodotto Italiano Vergine Olio d'Oliva Importato Marca Soprafinno Lucca Finest Quality This imported olive oil is guaranteed to be absolutely pure under chemical analysis. * * * Garanzia della qualita Questo olio d'oliva importato e garantito assolutamente puro sotto analisi chimica," were false and misleading as applied to an artificially flavored and colored oil similar to soya bean oil, containing little or no olive oil.

It was alleged to be misbranded further in that the statement "Net Contents One Gallon" was false and misleading since it was incorrect; in that it did not bear an accurate statement of the quantity of the contents; in that it was offered for sale under the name of another food; in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that it was in package form and did not contain the name and place of business of the manufacturer, packer, or distributor; and in that it bore or contained artificial flavoring and artificial coloring but failed to bear labeling stating that fact.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OLEOMARGARINE

1355. Adulteration of oleomargarine. U. S. v. 37 Cases of Oleomargarine. Default decree of condemnation and destruction. (F. D. C. No. 3123. Sample No. 16176-E.)

This product contained an average of 73.19 percent of fat and 21.55 percent of moisture. Oleomargarine should contain not less than 80 percent fat.

On or about October 3, 1940, the United States attorney for the Western District of Missouri filed a libel against 37 cases of vegetable oleomargarine at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 19, 1940, by the Miami Butterine Co. from Cincinnati, Ohio; and charging that it was adulterated in that a substance deficient in fat and containing excessive moisture had been substituted wholly or in part for oleomargarine. The article was labeled in part: (Cartons) "Nu-Maid Vegetable Oleomargarine."

On November 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1356. Adulteration of oleomargarine. U. S. v. 200 Cases of Oleomargarine. Consent decree of condemnation and destruction. (F. D. C. No. 2597. Sample No. 30832-E.)

Analysis showed that this product contained an average of 74.3 percent fat and 20.8 percent moisture. Oleomargarine should contain not less than 80 percent of fat.

On August 17, 1940, the United States attorney for the Northern District of Illinois filed a libel against 200 cases of oleomargarine at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1940, by the Miami Butterine Co. from Cincinnati, Ohio; and charging that it was adulterated in that a product containing less than 80 percent by weight of fat had been substituted for oleomargarine, a product which should contain not less than 80 percent of fat. The article was labeled in part: "Golden Maid Vegetable Margarine."

On August 29, 1940, the Miami Butterine Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

SACCHARINE PRODUCTS

CANDY

1357. Adulteration of candy. U. S. v. Donald B. Weiner and Douglass J. Thomas (Thomas Bros. Candy Co.). Plea of guilty. Fine, \$500 against each defendant. (F. D. C. No. 2865. Sample Nos. 9753-E, 9756-E, 15116-E, 15117-E, 15118-E, 15510-E, 15511-E, 15516-E to 15519-E, incl., 15522-E, 15532-E, 15607-E, 15612-E, 15613-E, 20221-E, 20222-E, 20223-E, 20578-E.)

Samples of this product were found to contain rodent hairs, rodent excreta, and insect fragments.

On November 27, 1940, the United States attorney for the Western District of Tennessee filed an information against Donald B. Weiner and Douglass J. Thomas, copartners, trading as Thomas Bros. Candy Co., at Memphis, Tenn., alleging shipment within the period from on or about February 2 to on or about June 7, 1940, from the State of Tennessee into the States of Alabama, Arkansas, Missouri, Mississippi, South Carolina, and Georgia, of quantities of candy that was adulterated. The article was variously labeled in part: "Papa Stick"; "Truck'N The Candy Bar That Gives you Pep"; "Circus Brand Peanut Bar"; "Whole Meal Peanut Bar"; "Jumbo Penny Stick"; "Giant Peanut Bar"; "Peco Bars"; "Joe Lewis"; "72 Circus Brand Green Stem Apple Suckers"; "Old Fashion Peanut Bar."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 12, 1940, pleas of guilty having been entered by the defendants, the court imposed fines totaling \$500 against each.

1358. Adulteration of candy. U. S. v. 7 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3045. Sample No. 15556-E.)

This product had become contaminated with kerosene while in transit.

On September 18, 1940, the United States attorney for the Eastern District of Missouri filed a libel against seven cases of candy at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 31, 1940, by the Hollywood Candy Co. from Centralia, Ill.; and charging that it was adulterated in that it was unfit for food. The boxes contained in the cases were labeled variously: "Double Vanilla Mondae Bars"; "Double Chocolate Nut Sundae"; "Payday"; or "Marty's Week End Special."

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1359. Adulteration of candy. U. S. v. 38 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3154. Sample No. 45080-E.)

This product contained rodent hairs, insect fragments, and iron fragments resembling steel wool.

On October 8, 1940, the United States attorney for the District of Idaho filed a libel against 38 boxes of candy at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about August 16, 1940, by the Martin Candy Co. from Dallas, Tex.; and charging that it was adulterated. The article was labeled in part: (Boxes) "Martin's Bofe-Uvus 2 for 5¢."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1360. Adulteration of candy. U. S. v. 52 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2367. Sample No. 33236-E.)

This product contained rodent hairs, metal shavings, and nondescript dirt.

On or about July 11, 1940, the United States attorney for the District of New Jersey filed a libel against 52 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce on or about June 19, 1940, by the Two Star Confectionery Co. from New York, N. Y.; and charging that it was adulterated. The article was labeled in part: "Big Five Candy Gum Drops."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1361. Adulteration of candy. U. S. v. 476 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2709. Sample No. 35107-E.)

This product contained rodent hairs and insect fragments.

On August 29, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 476 packages of candy at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about August 5, 1940, by the American Candy Manufacturing Co. from Selma, Ala.; and charging that it was adulterated. The article was labeled in part: (Packages) "Fairfield Candy Sticks Distributed By S. H. Kress & Co., New York, N. Y."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1362. Adulteration of candy. U. S. v. 71 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3312. Sample No. 37415-E.)

This product contained rodent hairs and insect fragments.

On November 1, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 71 boxes of candy at Trinity, N. C., alleging that the article had been shipped in interstate commerce on or about October 10, 1940, by the Ethel Candy & Sales Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1363. Adulteration of candy. U. S. v. 10, 5, 17, and 20 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3227. Sample Nos. 20475-E to 20478-E, incl.)

This product contained insect fragments and certain lots also contained rodent hairs.

On or about November 4, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 52 boxes of candy at Aiken, S. C., alleging that the article had been shipped in interstate commerce on or about October 5, 1940, by the J. S. Fox Candy Co., from Augusta, Ga.; and charging that it was adulterated. It was labeled in part variously: "Mint Sticks," "C. C. Squares," "Honest Block," or "P-nut Sqs."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1364. Adulteration of candy. U. S. v. 8, 14, and 25 Boxes of Candy (and 3 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2823, 2824, 2992, 3110. Sample Nos. 15494-E, 15495-E, 15496-E, 15761-E to 15766-E, incl., 15808-E, 15809-E, 15810-E, 39183-E, 39184-E.)

This product contained rodent hairs, and certain portions also contained other hairs and insect fragments.

Between September 9 and September 30, 1940, the United States attorneys for the Western District of Tennessee, the Western District of Missouri, and the Eastern District of Missouri filed libels against 49 boxes of candy at Martin, Tenn.; 78 boxes at Jackson, Tenn.; 64 boxes at Joplin, Mo.; and 41 boxes at St. Louis, Mo., alleging that the article had been shipped in interstate commerce within the period from on or about May 21 to August 27, 1940, by the Gilliam Candy Co., from Paducah, Ky.; and charging that it was adulterated. Certain lots were variously labeled in part: "Cello Stick Mint"; "Bacon Slice"; "Sambo Stick Mint"; "Sambo Stick Peanut Butter"; "Kitten Tail"; or "Cat tails."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 16 and November 13, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1365. Adulteration of candy. U. S. v. 13 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2412. Sample No. 14862-E.)

This product contained rodent hairs and insect fragments.

On July 24, 1940, the United States attorney for the District of New Jersey filed a libel against 13 boxes of candy at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about June 22, 1940, by the Heidelberger Confectionery Co. from Philadelphia, Pa.; and charging that it was adulterated. The article was labeled in part: "216 Count Big 5 Assortment 1 for 1¢."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1366. Adulteration of candy. U. S. v. 49 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3248. Sample No. 20300-E.)

This product contained rodent hairs and insect fragments.

On October 23, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 49 boxes of candy at Roxboro, N. C., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, by the Liberty Candy Co. from Macon, Ga.; and charging that it was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1367. Adulteration of candy. U. S. v. 18 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3315. Sample No. 37420-E.)

This product contained rodent hairs and insect fragments.

On November 1, 1940, the United States attorney for the Middle District of North Carolina filed a libel against 18 boxes of candy at Salisbury, N. C., alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by Marcelle Candies, Inc., from Atlanta, Ga.; and charging that it was adulterated. The article was labeled in part: "Marcelle Candies * * * Chocolate Covered Peppermints."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1368. Adulteration of candy. U. S. v. 19 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3251. Sample No. 20481-E.)

This product contained rodent hairs and insect fragments.

On or about November 7, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 19 boxes of candy at Columbia, S. C., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, by the McAfee Candy Co. from Macon, Ga.; and charging that it was adulterated. The article was labeled in part "Peanut Squares."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1369. Adulteration and misbranding of candy. U. S. v. 76 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3317. Sample Nos. 34548-E, 34549-E, 34550-E.)

Examination showed that this product contained insect fragments and that a portion of it also contained nondescript dirt.

On November 4, 1940, the United States attorney for the Southern District of New York filed a libel against 3 lots, containing a total of 76 boxes, of candy at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23 and 24, 1940, by Norris, Inc., from Atlanta, Ga.; and charging that it was adulterated and misbranded. The article was labeled in part: (Boxes) "Norris Atlanta Exquisite Candies Della Robbia Mints."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding was alleged in that a leaflet contained in the boxes of two of the lots bore the following statement, "Guarantee Norris Exquisite Candies are manufactured under ideal conditions," which was false and misleading.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1370. Adulteration of candy. U. S. v. 10 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2545. Sample No. 27291-E.)

This product contained rodent hairs and insect fragments.

On August 15, 1940, the United States attorney for the Southern District of Ohio filed a libel against 10 cases of candy at Greenville, Ohio, alleging that the article had been shipped in interstate commerce on or about July 25, 1940, by the Ohio Valley Candy Co. from Evansville, Ind.; and charging that it was adulterated. The article was labeled in part "Mint Juleps."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1371. Adulteration of candy. U. S. v. 14 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2299. Sample Nos. 15609-E, 15610-E.)

This product contained rodent hairs and insect fragments.

On June 29, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 14 cases of candy at Brinkley, Ark. (consigned by the Oliver-Finnie Co.), alleging that the article had been shipped in interstate commerce within the period from on or about April 15 to June 3, 1940, from Memphis, Tenn.; and charging that it was adulterated. It was labeled in part: "Silver Moon Candies."

The article was alleged to be adulterated in that it contained rodent hairs and insect fragments; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1372. Adulteration of candy. U. S. v. 76 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3182. Sample Nos. 11135-E, 11136-E, 11138-E.)

This product contained rodent hairs and insect fragments.

On October 10, 1940, the United States attorney for the Eastern District of Texas filed a libel against 76 boxes of candy at Beaumont, Tex., alleging that the article had been shipped in interstate commerce on or about August 29, 1940, by the Pelican State Candy Co. from New Orleans, La.; and charging that it was adulterated. The article was labeled variously in part: "Plantation Sweets," "Cocoanut Bonbons," and "72 Count Creole Fudge."

It was alleged to be adulterated in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 6, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1373. Adulteration of candy. U. S. v. 28 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3141. Sample No. 11132-E.)

This product contained insect fragments and rodent hairs.

On October 4, 1940, the United States attorney for the Southern District of Texas filed a libel against 28 boxes of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about September 4, 1940, by the Pravata Candy Co. from New Orleans, La.; and charging that it was adulterated. The article was labeled in part: "1 Cent Mountains."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared, packed or held under insanitary conditions whereby it might have been contaminated with filth.

On December 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1374. Adulteration of candy. U. S. v. 10 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3178. Sample No. 39297-E.)

This product contained rodent hairs, rodent excreta, and insect fragments.

On October 11, 1940, the United States attorney for the Western District of Kentucky filed a libel against 10 cases of candy at Fulton, Ky., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Sennett Candy Co. from Memphis, Tenn.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1375. Adulteration of candy. U. S. v. 34 Packages of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3181. Sample Nos. 11125-E, 11127-E.)

This product contained rodent hairs, and one lot also contained insect fragments.

On October 11, 1940, the United States attorney for the Southern District of Texas filed a libel against 34 packages of candy at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about August 30, 1940, by the Spool Cotton Co. from New Orleans, La.; and charging that it was adulterated. The article was labeled in part: "Giant Sticks [or "Brazil Nut Fudge"] Pelican State Candy Company, Inc."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On December 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1376. Adulteration of candy. U. S. v. 3 Cartons of Vanilla Brazil Fudge, and 1 Carton of Chocolate Brazil Fudge (and one other seizure action against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 3120, 3143. Sample Nos. 28120-E, 28938-E, 28939-E.)

These products contained rodent hairs and insect fragments.

On October 1 and 3, 1940, the United States attorney for the District of Columbia filed libels against five cartons of Vanilla Brazil Fudge and three cartons of Chocolate Brazil Fudge at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about September 11, 1940, by the Tas-T-Nut Co. from Baltimore, Md.; and charging that they were adulterated. They were labeled in part: "Vanilla [or "Chocolate"] Brazil Fudge."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On October 25, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1377. Adulteration of candy bars. U. S. v. 34 and 19 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 3316. Sample Nos. 32295-E, 32296-E.)

This product had been shipped in interstate commerce, was in interstate commerce at the time of examination, and was found to be insect-infested at that time. When such infestation occurred was not determined.

On November 4, 1940, the United States attorney for the District of Arizona filed a libel against 53 boxes of candy bars at Bisbee, Ariz., alleging that the article had been shipped within the period from on or about March 1 to September 25, 1940, by the Cardinet Candy Co., Inc., from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cardinet's U-NO" or "Cardinet's Rumba."

On December 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1378. Adulteration of candy. U. S. v. 44, 15, and 18 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2772. Sample Nos. 26408-E, 26409-E, 26410-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested.

On September 9, 1940, the United States attorney for the District of Oregon filed a libel against 77 cases of candy at Eugene, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about January 25 to on or about March 21, 1940, by the Chicago Candy Association from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled variously: "Tornado Chocolate-Nuts and Nougat A. McLean and Son, Chicago, Ill."; "Oh Henry. Home Package * * * Williamson Candy Co., Chicago"; or "Oh Henry 5 Cents."

On October 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1379. Adulteration of candy. U. S. v. 81 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3048. Sample No. 32254-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. When such infestation occurred was not determined.

On September 23, 1940, the United States attorney for the District of Arizona filed a libel against 81 boxes of candy at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 12, 1940 (consigned by the Santa Fe agent) from El Paso, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bars) "Oh Henry * * * Williamson Candy Company, Chicago."

On January 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1380. Adulteration of candy bars. U. S. v. 38 Boxes of Candy Bars. Default decree of condemnation and destruction. (F. D. C. No. 3042. Sample No. 3934-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination at which time it was found to be insect-infested. When such infestation took place was not determined.

On September 19, 1940, the United States attorney for the Western District of New York filed a libel against 38 boxes of candy bars at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1 and 28, 1940, by the Williamson Candy Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Boxes) "5¢ Oh Henry Candy."

On November 15, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1381. Adulteration and misbranding of candy. U. S. v. 34 Cases and 20 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3129. Sample Nos. 99024-E, 99025-E, 99026-E.)

All three lots of this product contained rodent hairs and one lot also contained insect fragments. One lot was short weight.

On October 3, 1940, the United States attorney for the Northern District of Mississippi filed a libel against 54 cases of candy at Cleveland, Miss., alleging that the article had been shipped in interstate commerce on or about August 27 and September 10, 1940, by the American Candy Manufacturing Co. from Selma, Ala.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

One lot was alleged to be misbranded in that the statement "Net Weight 5 Oz." borne on the label, was false and misleading since it was incorrect. The said lot was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents since the label declared a net weight of 5 ounces; whereas the actual weight of the package was less than 5 ounces.

On November 14, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1382. Adulteration and misbranding of candy. U. S. v. 30 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3346. Sample No. 37425-E.)

This product contained rodent hairs and insect fragments. It was also short weight.

On November 11, 1940, the United States attorney for the Western District of South Carolina filed a libel against 30 boxes of candy at Gaffney, S. C., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by McAfee Candy Co. from Macon, Ga.; and charging that it was adulterated and misbranded. The article was labeled in part: "72—1¢ Big Apple Suckers * * * Net Wt. 3½ Lbs."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The article was alleged to be misbranded in that the statement "Net Wt. 3½ Lbs." was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1383. Adulteration and misbranding of candy. U. S. v. 24 Boxes of Candy (and 7 other seizures of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1906, 1950, 1952, 1956, 1965, 2032, 2172, 2173. Sample Nos. 333-E, 4501-E, 4503-E, 6415-E, 6416-E, 6417-E, 9265-E, 15655-E, 15718-E, 20216-E.)

Samples of this product were found to contain rodent hairs. One shipment was also short weight.

Between April 29 and June 11, 1940, the United States attorneys for the Eastern District of Missouri, Northern District of Illinois, Northern District of Texas, Western District of Missouri, and the Eastern District of North Carolina filed libels against 24 boxes of candy at St. Louis, Mo.; 72 boxes at Chicago, Ill.; 34 cartons at Dallas, Tex.; 54 boxes at Ozark, Mo.; 77 boxes at Goldsboro, N. C.; and 87 boxes at Clinton, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about April 4 to on or about May 17, 1940, by Ucanco Candy Co. from Davenport, Iowa. On May 25, 1940, a libel was filed in the District of Colorado against 20 boxes and 57 cartons of candy at Denver, Colo., which had been shipped by the Ucanco Candy Co. from Davenport, Iowa, on or about April 4, 1940. The article was variously labeled in part: "Ol' Timer Milk Nut Roll"; "Special Cannon Ball Bars"; "5¢ Extra Special Ol' Timer Loaf"; "Nut Balls"; "Cluster"; "Ol' Timer Milk Nut Bar"; "Special Chocolate Party Pack Blue Boy Bars."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The lot seized at St. Louis, Mo., was alleged to be misbranded in that the statement "Net Weight 4 Oz. or over" was false and misleading since it was

incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

Between June 3 and July 31, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1384. Adulteration and misbranding of candy. U. S. v. 12 Jars and 11 Boxes of Candy (and 3 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2558, 3250, 3276, 3360. Sample Nos. 20430-E, 20431-E, 20499-E, 20297-E, 20298-E, 37423-E.)

This product contained rodent hairs and insect fragments. The labeling of one lot failed to declare the presence of artificial color and also failed to bear a statement of the ingredients as required by law.

On or about August 21, October 22 and 23, and November 12, 1940, the United States attorneys for the Southern District of Florida, Western District of North Carolina, Middle District of North Carolina, and Western District of South Carolina filed libels against 12 jars and 11 boxes of candy at West Palm Beach, Fla.; 38 boxes of candy at Shelby, N. C.; 29 boxes of candy at Fort Mill, S. C.; and 31 boxes of candy at Winston Salem, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about July 27 to October 19, 1940, by Carstarphen, Inc., from Macon, Ga.; and charging that it was adulterated and misbranded. The article was variously labeled: "2/1¢ mint balls"; "1¢ mint pillows"; "1¢ Asst. Capt. Jack"; and "1¢ Sno-Jo."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The product labeled "Mint Balls" was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient; and in that it contained artificial coloring and did not bear labeling stating that fact.

Between December 10 and December 17, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1385. Adulteration and misbranding of candy. U. S. v. 49 Boxes of Unlabeled Candy. Default decree of condemnation and destruction. (F. D. C. No. 2272. Sample No. 20589-E.)

This product was adulterated because of the presence of rodent hairs and insect fragments, and it was misbranded because it was not labeled as required by the law.

On June 25, 1940, the United States attorney for the Middle District of Georgia filed a libel against 49 boxes of candy at Albany, Ga., alleging that the article had been shipped in interstate commerce on or about June 12, 1940, by the Queen City Candy Co. from Charlotte, N. C.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was in package form and did not contain the name and place of business of the manufacturer, packer, or distributor nor an accurate statement of the quantity of the contents. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient; and in that it contained artificial flavoring and artificial coloring and did not bear labeling stating that fact.

On August 3, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1386. Misbranding of candy. U. S. v. 29 Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3080. Sample No. 33798-E.)

This product was artificially flavored and colored. Moreover, the boxes which contained from 15 to 20 pieces of candy wrapped in waxed paper, could have held from 7 to 12 additional pieces.

On September 24, 1940, the United States attorney for the District of New Jersey filed a libel against 29 boxes of candy at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about July 10 and August 8, 1940, by the Up-to-Date Candy Mfg. Co. from New York, N. Y.;

and charging that it was misbranded. The article was labeled in part: "Wild Cherry Drops * * * Artificial Flavor U. S. Certified Color Added [in small type]."

It was alleged to be misbranded in that the name "Wild Cherry Drops" was false and misleading as applied to artificially flavored and colored candy drops.

It was alleged to be misbranded further in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. It was alleged to be misbranded further in that the container was so made, formed, or filled as to be misleading.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1387. Misbranding of candy. U. S. v. 12 Dozen Boxes of Candy. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2004. Sample No. 33807-E.)

These boxes held two layers of chocolate-covered cherries in paper cups separated by cardboard dividers which extended $\frac{1}{2}$ to $\frac{5}{8}$ inch beyond the candy on both sides of the boxes. The product was also short of the declared weight.

On May 22, 1940, the United States attorney for the District of New Jersey filed a libel against 12 dozen boxes of candy at Keansburg, N. J., alleging that the article was shipped in interstate commerce on or about May 7, 1940, by G. Cella, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Cameo Cherries * * * Net Weight One Pound."

The article was alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading since it was incorrect; in that its containers were so made, formed, or filled as to be misleading; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On December 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

1388. Misbranding of candy. U. S. v. 500 Boxes of Candy (and 2 other seizure actions against candy). Default decrees of condemnation. Portion of product delivered to charitable institutions, remainder ordered destroyed. (F. D. C. Nos. 1960, 2151, 2652. Sample Nos. 14804-E, 19033-E, 19034-E, 33094-E.)

This case involved various kinds of candy that was packed in deceptive containers. One lot of gum drops was packed in boxes, each of which contained about 3 ounces of candy but which could have held 1 pound of wrapped, or $1\frac{1}{2}$ pounds of unwrapped, gum drops. A second lot consisted of gum drops and taffy packed in boxes each containing 20 pieces of wrapped, loosely packed candy occupying about two-thirds of the space in the box. When shaken down and pressed lightly, the candy filled only about 40 percent of the capacity of the box. A third lot consisted of salt water taffy, which was wrapped in wax paper with twisted ends, and which when pressed down, occupied only about 60 percent of the space in the box. A fourth lot consisted of chocolate candies in cellophane-wrapped boxes with extension edges on the top and bottom. Each layer contained 12 pieces of candy separated by cardboard dividers, which were much too large for the size of the candies.

Between May 14 and August 23, 1940, the United States attorneys for the District of New Jersey and the Western District of Pennsylvania filed libels against 500 boxes of candy at South River, N. J., 2 gross boxes at Union City, N. J., and 166 cartons at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about May 7 to on or about June 26, 1940, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part variously: "Gum Joy Assortment"; "Duplex Assortment Gums and Chews"; "Venetian Sweets Assorted Chews"; and "Moonbeam Assorted Chocolates."

On September 25 and December 21, 1940, no claimant having appeared, judgments of condemnation were entered. The product seized in the Western District of Pennsylvania was ordered destroyed and that seized in the District of New Jersey was ordered distributed to charitable institutions.

1389. Misbranding of candy. U. S. v. 1,340 Boxes of Candy of Assorted Sizes and Kinds (and 1 other seizure of candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 2317, 2468. Sample Nos. 14357-E to 14361-E, incl., 33295-E, 33297-E, 33300-E, 33361-E, 33362-E, 33363-E.)

These candies, which were all wrapped in wax paper, occupied less than the capacity of the box in which they were packed, the shortage varying in the different types from approximately 30 percent to approximately 52 percent. In two of the lots, the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of contents were hardly legible or were completely concealed by folds of the colored cellophane wrapper. In one lot the weight was less than the amount declared on the label.

On July 5 and August 2, 1940, the United States attorneys for the Eastern District of Pennsylvania and the District of Connecticut filed libels against 1,340 boxes of candy at Philadelphia, Pa., and 778 packages of candy at Hartford, Conn., alleging that the article had been shipped in interstate commerce within the period from on or about June 19 to on or about June 27, 1940, by Delight Sweets, Inc., from New York, N. Y.; and charging that it was misbranded. It was labeled in part variously: "Sugar Dandies"; "Flavored Gold Crest Confections"; "Salt Water Taffee"; "Oriental Sweets"; "Sliced Orange Gums"; "Fashion Sweets"; "Delights Assorted Chews"; "Smiles"; and "Societ Sweets."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading. Certain lots were alleged to be misbranded further in that the name and place of business of the manufacturer, packer, or distributor, and the statement of the quantity of the contents required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The product labeled "Societ Sweets" was alleged to be misbranded further in that the statement on the label, "Net Weight 7 Ozs.," was false and misleading since it was incorrect; and in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 29 and September 23, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1390. Misbranding of candy. U. S. v. 3 and 2 Cartons of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2318. Sample Nos. 33286-E, 33287-E.)

Both lots of this product were packed in deceptive containers. One lot consisted of gum drops, which were wrapped in wax paper with twisted ends, and which occupied only about one-half of the space in their containers. The other lot was contained in a cellophane-wrapped box with ¼-inch extension edges on top and bottom. This box contained three layers, the top one being well-filled and containing about 23 chocolates and 8 candy-covered peanuts. The second and third layers contained only about 6 chocolates and 7 gum drops loosely packed with cardboard separators between the pieces. The statement of the quantity of the contents was inconspicuous in both of these lots. The second lot was also short of the declared weight, and was labeled "Nuts and Fruits Creams," but contained no nuts except a few peanuts and no fruit, and most of the creams were artificially flavored.

On or about July 8, 1940, the United States attorney for the District of Connecticut filed a libel against five cartons of candy at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about June 18, 1940, by the Marvel Novelty Co., Inc., from New York, N. Y.; and charging that it was misbranded. The articles were labeled in part: "Nuts and Fruits Creams Superior Quality [design of a bowl of fruit] * * * One Pound Net"; or "Manhattan * * * wrapped candy net weight 3 oz."

The nuts and fruits creams were alleged to be misbranded in that the statements "one pound net" and "Nuts and Fruits Creams" and the design of a bowl of fruit, were false and misleading since they were incorrect; and in that they were in package form and did not bear an accurate statement of the quantity of the contents; in that they were fabricated from two or more ingredients and the label did not bear the common or usual name of each such ingredient; and in that they contained artificial flavoring and did not bear labeling stating that fact.

Both lots were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading; and in that the quantity of con-

tents statement required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

On September 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MAPLE SIRUP

1391. Adulteration of maple sirup. U. S. v. 45 10-Ounce Jugs and 12 Quart Jugs of Maple Sirup. Default decree of condemnation and destruction. (F. D. C. No. 2244. Sample No. 33623-E.)

This product was sour, fermented, and decomposed.

On June 22, 1940, the United States attorney for the Northern District of New York filed a libel against 45 10-ounce jugs and 12 quart jugs of maple sirup at Troy, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1939, by the Vermont Syrup Co. from Bennington, Vt.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS

1392. Adulteration and misbranding of butter flavor. U. S. v. 17 Cases of Butter Flavor. Default decree of condemnation and order of destruction. (F. D. C. No. 1468. Sample No. 83317-D.)

This product was an imitation butter flavor and, with the exception of a portion labeled "Clear," was artificially colored with Yellow OB, a coal-tar color.

On February 10, 1940, the United States attorney for the District of Idaho filed a libel against 17 cases of butter flavor at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about March 17, 1938, from Seattle, Wash., by Fortune Transfer Co. for the Pacific Nut Co.; and charging that it was adulterated and misbranded. The article was all labeled in part: (Bottle) "Baker Boy Brand True Butter * * * Pacific Nut Co. Seattle Wash." Some of the bottles bore the statement "Butter Color Added" on the label and others bore the word "Clear" on the cap.

The article was alleged to be adulterated in that imitation butter flavor containing artificial flavor, a portion of which also contained artificial color, had been substituted for "True Butter Flavor," which it purported to be.

It was alleged to be misbranded in that the statements, "True Butter Flavor" and "Complies with all Pure Food Laws," were false and misleading as applied to imitation butter flavor not labeled in compliance with the act. It was alleged to be misbranded further in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "Imitation" and immediately thereafter the name of the food imitated. It was alleged to be misbranded further in that it contained artificial flavor, and in some instances artificial coloring, and the label did not state those facts.

On March 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1393. Adulteration and misbranding of lemon flavor. U. S. v. 96 Packages of Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 2175. Sample No. 10296-E.)

This product was labeled to indicate that it was a substitute for lemon juice. It was contained in two bottles marked A and B and so joined as to be used together. Bottle A contained a turbid, artificially colored 50-percent solution of citric acid, and bottle B contained lemon extract. No fruit juice was present in either. The statement of the quantity of the contents on the carton was covered by a sticker. Bottle B was paneled and had thick glass and an elongated neck, which made it appear to contain more than 1 fluid ounce; whereas it had an actual capacity of $\frac{1}{2}$ fluid ounce and furthermore was not more than one-third filled.

On June 6, 1940, the United States attorney for the District of New Jersey filed a libel against 96 packages of lemon flavor at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by the One-Two-Three Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Package)

"1-2-3 Lemon Flavor [design of a cut lemon and drops of lemon juice] The Perfect Lemon Flavoring."

The article was alleged to be adulterated in that a substance consisting of lemon extract and a turbid, artificially colored solution of citric acid had been substituted wholly or in part for lemon flavor.

It was alleged to be misbranded in that the statement "Lemon Flavor * * * The perfect lemon flavoring" and the design of a cut lemon and drops of lemon juice were false and misleading as applied to a substance consisting of lemon extract and a turbid, artificially colored solution of citric acid. It was alleged to be misbranded further in that it was an imitation of another food, namely, concentrated lemon juice; and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

It was alleged to be misbranded further in that its container was so made, formed, or filled as to be misleading; in that it was in package form and did not bear an accurate statement of the quantity of the contents; in that it was fabricated from two or more ingredients and did not bear the common or usual name of each such ingredient; and in that it contained artificial flavoring and artificial coloring and its label did not state that fact.

On January 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1394. Adulteration and misbranding of imitation lemon flavor. U. S. v. 12 Cases of Imitation Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 2012. Sample No. 732-E.)

This product was artificially colored and slightly artificially flavored, not more than one-sixth as strong in flavor as standard lemon extract. An imitation lemon extract should equal a standard lemon extract in flavoring strength.

On May 24, 1940, the United States attorney for the Western District of North Carolina filed a libel against 12 cases of lemon flavor at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by Purex Products, Inc., from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Winner Brand Imitation Lemon Flavor."

The article was alleged to be adulterated in that a worthless substance having little or no flavoring value had been substituted for "imitation lemon flavor"; and in that inferiority had been concealed by the addition of artificial color.

It was alleged to be misbranded in that the statement "imitation lemon flavor" was false and misleading since it had practically no flavoring value.

On July 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1395. Misbranding of vanilla and lemon extract. U. S. v. 36 Cartons of Vanilla Extract and 36 Cartons of Lemon Extract. Default decree of condemnation and destruction. (F. D. C. No. 3195. Sample Nos. 28511-E, 28512-E.)

The bottles containing these products had thick walls and bottoms, panel sides, and elongated necks. Neither the bottles nor retail cartons bore a statement of the quantity of the contents.

On October 17, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against the above-named products at Roanoke Rapids, N. C., alleging that the articles had been shipped in interstate commerce on or about August 8, 1940, by the C. F. Sauer Co. from Richmond, Va.; and charging that they were misbranded. The articles were labeled in part: "Sauer's Pure Extract Vanilla [or "Lemon"]."

The articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading; and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed after 30 days unless taken down under bond by the owner. They were subsequently destroyed in accordance with said order.

1396. Adulteration and misbranding of vanilla flavor. U. S. v. 5 Gross Cartons of Vanilla Flavor. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 2027. Sample No. 4027-E.)

This product was a water-alcohol solution of vanillin and coumarin, which resembled pure vanilla extract in color, but contained little, if any, vanilla.

It was deceptively packaged in paneled, thick-walled, and long-necked bottles enclosed in unnecessarily large cartons. It also failed to comply with certain other labeling requirements of the law, described in the misbranding paragraph of this notice.

On May 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 5 gross cartons of vanilla flavor at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by the Empire Spice Mills Manufacturing Co. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottle) "Middle-West Brand Pure Vanilla Flavor * * * Middle-West Bag & Paper Co. Chicago."

The article was alleged to be adulterated in that a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla had been substituted wholly or in part for pure vanilla flavoring; and in that inferiority had been concealed.

It was alleged to be misbranded in that the statements, "Flavoring Extract * * * Pure Extract * * * Guaranteed to comply with all requirements of the Pure Food Laws" and "Pure Vanilla Flavoring Alcohol 30% Middle-West Bag & Paper Co. Chicago," were false and misleading as applied to a hydro-alcoholic solution of vanillin and coumarin containing little, if any, vanilla and as applied to an article that did not comply with all the requirements of the law and did not contain 30 percent of alcohol but did contain a smaller amount. It was alleged to be misbranded further in that it was offered for sale under the name of another food; in that it was an imitation of another food and its labeling failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; in that its containers were so made, formed, or filled as to be misleading; in that it was in package form and its carton failed to bear the name and place of business of the manufacturer, packer, or distributor; in that it was in package form and the carton failed to bear an accurate statement of the quantity of the contents; in that the information required by law to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary consumer under customary conditions of purchase since a portion of the bottle label was obscured by the [open-front] carton; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

1397. Misbranding of imitation vanilla flavor. U. S. v. 98 Cases of Imitation Vanilla Flavor. Decree of forfeiture. Product ordered released under bond to be rebottled. (F. D. C. No. 2557. Sample No. 5787-E.)

This product was contained in a bottle made of thick glass having indented panels and bottom and an excessively long neck. The carton was taller than necessary.

On August 15, 1940, the United States attorney for the Southern District of Indiana filed a libel against 98 cases of imitation vanilla flavor at Richmond, Ind., alleging that the article had been shipped in interstate commerce on or about April 20, 1939, and June 27, 1940, by the Frank Tea & Spice Distributing Co. from Cincinnati, Ohio; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: "Merritt Brand Quality * * * Imitation Vanilla Flavor."

On October 30, 1940, the Frank Tea & Spice Distributing Co. having appeared as claimant, judgment was entered forfeiting the product and ordering its release under bond conditioned that it be rebottled under the supervision of the Food and Drug Administration.

1398. Adulteration and misbranding of vanilla extract. U. S. v. 600, 324, and 396 Bottles of Vanilla Extract. Default decrees of condemnation and destruction. (F. D. C. No. 3109. Sample Nos. 15748-E, 15749-E, 39221-E, 39222-E.)

The resins found in this product did not possess the characteristics of true vanilla resins.

On September 28 and October 6, 1940, the United States attorney for the Eastern District of Missouri filed libels against 1,320 bottles of vanilla extract at St. Louis, Mo., alleging that the article had been shipped in interstate com-

merce within the period from on or about July 15 to August 3, 1940, by the Midwest Laboratories of Chicago, Ill., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Pure Extract Vanilla."

The article was alleged to be adulterated in that imitation vanilla extract had been substituted wholly or in part for pure extract of vanilla; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Extract Vanilla" was false and misleading as applied to imitation vanilla extract; and in that it was offered for sale under the name of another food. It was alleged to be misbranded further in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On November 8, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1399. Misbranding of vanilla extract. U. S. v. 90 Cases of Vanilla Extract. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2307. Sample No. 10699-E.)

The bottles containing this product had thick walls and tapered sides. The height, width, and thickness of the cartons were excessive; and the quantity-of-contents statement on the cartons and most of the bottles was made in terms of drams instead of ounces.

On or about July 8, 1940, the United States attorney for the District of Connecticut filed a libel against 90 cases of vanilla extract at Bridgeport, Conn., alleging that the article had been shipped in interstate commerce on or about May 14 and June 13, 1940, by the Mutual Spice Co., Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: (Carton) "MS Brand Pure Vanilla Extract * * * Contents Four Drams"; (Bottle) "MS Brand Pure Vanilla Extract * * * Cont. 4 Fl. Drams [A few were marked "1/2 Oz."]."

The article was alleged to be misbranded in that its containers were so made, formed, or filled as to be misleading. It was alleged to be misbranded further in that the statement of the quantity of contents required by the act to appear on the labeling was not so placed on the cartons and on the labels of those bottles marked "Cont. 4 Fl. Drams" in such terms as to render it likely to be understood by the ordinary individual.

On October 16, 1940, no claimant having appeared, judgment was entered as of September 20, 1940, condemning the product and ordering that it be distributed to charitable institutions after removal of the labels.

CHEESE MINERAL

1400. Misbranding of cheese mineral. U. S. v. One 25-Pound Bucket, Two 50-Pounds, and Two 110-Pound Barrels of Alferi's Cheese Mineral. Default decree of condemnation and destruction. (F. D. C. No. 2296. Sample No. 13274-E.)

The labeling of this product failed to bear the common or usual name of each ingredient or an accurate statement of the quantity of the contents as required by law.

On June 28, 1940, the United States attorney for the District of Oregon filed a libel against the above-named product at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 20, 1940, by the Alferi Laboratories, Inc., from Neenah, Wis.; and charging that it was misbranded in that it was in package form and did not bear an accurate statement of the quantity of the contents, and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On September 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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PRODUCTS

	N. J. No.		N. J. No.
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evaporated-----	1314-1310	milk.	
Beans and pork, canned-----	1295	Mushrooms, grilled-----	1296, 1297
Beverages and beverage materials-----	1201-1205	Noodle(s)-----	1228-1231
Blackberries, canned-----	1293	soup mix-----	1230, 1231
Buckwheat and wheat flour-----	1211	Nuts and nut products-----	1348-1352
Butter-----	1237-1257	Oleomargarine-----	1355, 1356
flavor-----	1392	Olive oil-----	1353, 1354
Cake flavor-----	1214	Orange juice-----	1204, 1205
Candy-----	1357-1390	Oysters, canned-----	1281
Cereal products-----	1206-1236	Pancake flour-----	1211-1213, 1231
Cheese Korn Kurls-----	1233	Peaches, dried-----	1319
mineral-----	1400	Peanut butter-----	1350-1352
Cherries, canned-----	1294	Peanuts, shelled-----	1349
Chicken tamales-----	1236	Peas, canned-----	1298-1302
Clams, canned-----	1280	Pecan pieces-----	1348
Codfish, frozen-----	1272	Perch, frozen-----	1275, 1276
Cookies-----	1232	Pollack, frozen-----	1276, 1277
Corn meal-----	1216-1218	Popcorn-----	1234
meal mush-----	1219	Potato pancake mix-----	1231
Crab meat-----	1267-1271	Poultry-----	1338-1347
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Dairy products-----	1237-1259	Raisins-----	1318, 1326-1332
Egg(s) frozen-----	1260-1266	Raspberries-----	1291, 1292
whites, frozen-----	1265, 1266	Rice-----	1235
yolks, frozen-----	1265	Rye flour-----	1215
Figs-----	1317	Salmon, canned-----	1286
Fish roe-----	1285	Sandwich spread-----	1286
Fisheries products-----	1267-1286	Scallops-----	1284
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Flounder, frozen-----	1273	Sole, frozen-----	1278
Flour-----	1206-1215	Soup-----	1313
Fruit(s) and vegetable(s)-----	1287-1337	Soybean milk-----	1336
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juices-----	1202-1205	Tamales, chicken-----	1236
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tomatoes and tomato products-----	1304-1313	Tomato(es)-----	1394-1313
FruZert-----	1335	canned-----	1304, 1305
Grape juice-----	1202, 1203	catsup-----	1306-1210
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Haddock, frozen-----	1274	soup-----	1313
Hominy grits-----	1211	Tuna, canned-----	1282, 1283, 1286
Huckleberries-----	1289, 1290	Turkeys-----	1340, 1341
Korn Kurls-----	1233	Vanilla flavor-----	1395-1399
Lemon flavor-----	1393-1395	Vinegar-----	1337
Macaroni-----	1220-1223	Whiting, frozen-----	1279
products-----	1220-1231	Whole wheat flour-----	1214
Maple sirup-----	1391	Yams, candied-----	1303

SHIPPERS, PROCESSORS, AND DISTRIBUTORS

	N. J. No.		N. J. No.
Aaron, Edward :		Allen, W. B. :	
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poultry-----	1338	Amato, Luke :	
Aaron, Edward, Inc. :		peas, canned-----	1298
poultry-----	1338	American Beauty Macaroni Co. :	
Abitz, A. S. :		macaroni products-----	1221
cream-----	1258	American Candy Manufacturing Co. :	
Acker, E. B. :		candy-----	1361, 1381
cream-----	1258	Anchor Milling Co. :	
Adams, S. M. :		corn meal-----	1216
cream-----	1259	Armour & Co. :	
Albers Bros. Milling Co. :		peanut butter-----	1352
buckwheat and wheat flour-----	1211	Armour Creameries :	
hominy grits-----	1211	butter-----	1254
Alferi Laboratories, Inc. :		Armstrong, J. D. :	
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	N. J. No.		N. J. No.
Atlantic Coast Fisheries Co.:		Cooperative Union Mercantile Co.:	
flounder fillets-----	1273	cream-----	1258
Atlantic Macaroni Co., Inc.:		Couse, H. H.:	
egg noodles-----	1228	cream-----	1258
Atlantic Quick Freeze Co.:		Cranbury Poultry Co.:	
sole, frozen fillet-----	1278	poultry-----	1342
Barlow, F. W.:		Crusty Pie Co.:	
cream-----	1258	huckleberries-----	1289
Beatrice Creamery Co.:		Cudahy Packing Co.:	
butter-----	1253, 1256	butter-----	1240
Beutel Pickling & Canning Co.:		Cupp, J. A.:	
tomato catsup-----	1306	cream-----	1259
Birdsong Storage Co.:		Dechant, F. R.:	
peanuts, shelled-----	1349	cream-----	1258
Bisceglia Bros. Canning Co.:		Delight Sweets, Inc.:	
prunes-----	1323	candy-----	1388, 1389
Bliss, Frank:		De Martini Macaroni Co., Inc.:	
cream-----	1258	macaroni-----	1220
Blue Star Produce, Inc.:		Dewey Bros. Co.:	
butter-----	1252	corn meal-----	1218
Bonner Packing Co.:		Dixie-Portland Flour Mills:	
peaches, dried-----	1319	flour-----	1206
Borden, S. S., Co.:		Dorgan Packing Corporation:	
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Bowers, M. K.:		Dorman-Smith Evaporating Co.:	
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Brestel, M. F.:		Dustin, Edna:	
cream-----	1258	cream-----	1259
Brooklyn Wholesale Grocery Co.:		Eitel, Charles:	
tuna, canned-----	1282	cream-----	1258
Brooks, G. F.:		El Mar Packing Co.:	
strawberries and raspberries-----	1292	raisins-----	1326
Brown, N. E.:		Empire Freight Co.:	
cream-----	1258	grape punch base-----	1203
Bruder, H. F.:		Empire Spice Mills Manufacturing Co.:	
peas, canned-----	1300	vanilla flavor-----	1396
Busalacchi, T. & J., Inc.:		Estes, Raymond:	
perch, frozen-----	1275	cream-----	1258
Calcasieu Macaroni Manufacturing Co.:		Ethel Candy & Sales Co.:	
spaghetti-----	1225	candy-----	1362
California Packing Corporation:		Fairmont Creamery Co.:	
figs-----	1317	cream-----	1259
California Prune & Apricot Growers Assoc.:		Farmers Cooperative Creamery Assoc.:	
prunes-----	1321, 1322	butter-----	1241
Cape Ann Fisheries, Inc.:		Farmers Supply Co.:	
fish fillets, frozen-----	1276	cream-----	1259
Cardinet Candy Co., Inc.:		Fear, G. L.:	
candy-----	1377	cream-----	1258
Carjon Food Products Co.:		Fike, Mrs. J. W.:	
noodle soup mix-----	1230	cream-----	1259
Carstarphen, Inc.:		Fine Foods, Inc.:	
candy-----	1384	peas, canned-----	1302
Carthage Creamery Co.:		Fisher, J. T. & Son:	
butter-----	1240	cream-----	1259
Cella, G., Inc.:		Food Products Co. of America:	
candy-----	1387	cherries, canned-----	1294
Centennial Flouring Mills Co.:		Fortgang Bros., Inc.:	
flour-----	1206	butter-----	1247
Check, J. C.:		Fort Madison Creamery:	
cream-----	1259	butter-----	1256
Chesbro Robbins & Graham:		Fortune Transfer Co.:	
haddock, frozen-----	1274	butter flavor-----	1392
Chesrown, Harold:		Fox, J. S., Candy Co.:	
cream-----	1259	candy-----	1363
Chicago Candy Association:		Fox, Peter, Sons Co.:	
candy-----	1378	butter-----	1257
Chicago Macaroni Co.:		eggs, frozen-----	1260
macaroni products-----	1222	Frank Tea & Spice Distributing Co.:	
Clarke Milling Co.:		vanilla flavor-----	1397
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Clinton Creamery:		peas, canned-----	1299
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Cloverleaf Creamery:		butter-----	1242
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Columbia Tea Co.:		butter-----	1242
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poultry-----	1340	Garwood, Ernest:	
Connecticut Pie Co.:		cream-----	1258
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	N. J. No.		N. J. No.
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General Sales Co.:		Kirk, Bert, Jr.:	
FruZert	1335	prunes	1320
Gibson, James, Jr.:		Kopper Kettle Preserving Co.:	
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Gilliam Candy Co.:		Kramer, J. R., Inc.:	
candy	1364	butter	1237
Glacier Dairy:		Kress, S. H., & Co.:	
eggs and egg products, frozen	1265	candy	1361
Gloucester Fish Pier Fillet Co.:		Krum, S. S., & Co.:	
pollack, frozen	1277	crab meat	1271
Gloucester Sea Foods, Inc.:		Kuhn, L. J.:	
whiting, frozen	1279	cream	1258
Golden Age Corporation:		Kurrasch, H. G.:	
egg noodles	1229	butter	1237
Gray Gull Fisheries Co.:		Kurtz Bros. Corporation:	
sandwich spread	1286	spaghetti dinner	1227
Great Atlantic & Pacific Tea Co.:		La Choy Food Products, Inc.:	
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Greer, Autry, & Sons:		Labti, A.:	
butter	1254	apples	1288
Gregory-Robinson-Speas, Inc.:		Landsberger Creamery & Produce Co.:	
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Griffin, Wildwood:		Lehman, Herman:	
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Griggs, Cooper & Co.:		Levering Coffee Co.:	
apples, evaporated	1315	tea	1201
Gude Bros. Kieffer Co.:		Lewis Bear Co., Inc.:	
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Hahn, G. O.:		Liberty Candy Co.:	
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Hall, A. L.:		Lillie & Rasbach, Inc.:	
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Harrow-Taylor Butter Co.:		Lion Packing Co.:	
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Hauf, R. C.:		Louisiana Blue Crab Distributors, Inc.:	
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Heidelberger Confectionery Co.:		Luverne Cooperative Creamery:	
candy	1365	butter	1245
Helbig, A. W.:		Macy, R. H., & Co.:	
cream	1259	mushrooms, grilled	1296
Henderson Produce Co.:		Manannah Creamery:	
eggs, frozen	1262	butter	1246
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Henri Foods, Inc.:		candy	1367
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Heyd, C. G., & Co.:		poultry	1339
butter	1246	Martin Candy Co.:	
Highland Farms Dairy:		candy	1359
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Hillman-Hyle Cookie Co.:		crab meat	1269
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Hinkle, D. C.:		scallops	1284
cream	1259	Marvel Novelty Co., Inc.:	
Hoerman Packing Co.:		candy	1390
poultry	1340	Mayfair Packing Co.:	
Hoff, H. A., Jr.:		prunes	1323
cream	1258	McAfee Candy Co.:	
Holloway Canning Co.:		candy	1368, 1382
tomatoes, canned	1305	McDonald, J. A.:	
Holloway, J. W.:		cream	1258
tomatoes, canned	1305	McFarlin, Mrs. Jim:	
Hollywood Candy Co.:		cream	1258
candy	1358	McGinnis, Mrs. K. W.:	
Horowitz Bros. & Margareten:		cream	1259
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noodles	1231	candy	1378
potato pancake mix	1231	Mellwood Dairy, Inc.:	
Howard Terminal:		butter	1238
tomato catsup	1309	Mercurio Bros. Spaghetti Manufactur-	
Imperial Fish Co.:		ing Co.:	
crab meat	1270	macaroni products	1223
International Milling Co.:		Meyer & Lange:	
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Association:		oleomargarine	1355, 1356
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Johnson, Hansie:		vanilla flavor	1396
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Kander, H. S.:		vanilla extract	1398
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Kaysville Canning Corporation:		crab meat	1271
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cream	1259		

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Moore, C. C. :		Proctor, Burton, Jr. :	
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Most, Walter :		Producers Dairy Marketing Assoc.,	
cream -----	1258	Inc. :	
Mount Airy Canning Co. :		butter -----	1238
peas, canned -----	1298	Producers Peanut Co., Inc. :	
Mutual Spice Co., Inc. :		peanut butter -----	1351, 1352
vanilla extract -----	1399	Pruitt, H. A. :	
Mutzebaugh, Rose :		turkeys -----	1341
cream -----	1258	Pruitt Produce Co. : .	
National Food Products Co. :		butter -----	1257
spaghetti -----	1224	turkeys -----	1341
Nelson, J. T. :		Purex Products, Inc. :	
cream -----	1258	lemon flavor -----	1394
New England Creamery :		Quaker Oats Co. :	
butter -----	1247	pancake flour -----	1213
Norris, Inc. :		Queen City Candy Co. :	
candy -----	1369	candy -----	1385
Northwest Dairy Forwarding Co. :		Radcliffe Soya Products :	
butter -----	1248	soybean milk -----	1336
Northwest Food Products, Inc. :		Red & White Corporation :	
beans and pork, canned -----	1295	macaroni products -----	1221
Oak Park Cooperative Creamery :		tomato catsup -----	1309
butter -----	1249	Reifer, M. J. :	
O'Brien, R., & Co., Inc. :		cream -----	1258
cod fillets -----	1272	Remington, T. H. :	
Oceanic Sales Co. :		cream -----	1258
cherries, canned -----	1294	Renwick Community Creamery :	
Ohio Valley Candy Co. :		butter -----	1251
candy -----	1370	Rhodes, Hubert :	
Oliver-Finnie Co. :		cream -----	1258
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One-Two-Three Co., Inc. :		cream -----	1259
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Otto, W. R., & Co. :		cream -----	1259
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Pacific Food Products Co. :		poultry -----	1346
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Pacific Fruit & Produce Co. :		olive oil -----	1354
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Pacific Nut Co. :		raisins -----	1318, 1330
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Pacific Raisin Co., Inc. :		peas, canned -----	1299
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Pan American Steamship Co. :		eggs, frozen -----	1263
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Paulk's Products, Inc. :		Co. :	
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Paulus Bros. Packing Co. :		Salem Feed & Flour Co. :	
prunes -----	1324	cream -----	1259
Pelican State Candy Co. :		Saline County Milk Producers Assoc. :	
candy -----	1372, 1375	butter -----	1239
Peloian Packing Co. :		Sanitary Milk Co. :	
raisins -----	1329	butter -----	1255
Perry Canning Co. :		Santa Fe agent :	
tomato catsup -----	1307	candy -----	1379
Pettera, Joe :		Sauer, C. F., Co. :	
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Pilley, Frank, & Sons :		Sea Foods Corporation :	
butter -----	1242, 1250	tuna, canned -----	1282
Pillsbury Flour Mills Co. :		Sennett Candy Co. :	
flour -----	1214	candy -----	1374
pancake flour -----	1212	Shenandoah Milling Co., Inc. :	
Pine Grove Canning Co. :		flour -----	1209
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Plains Dairy :		cream -----	1258
cream -----	1258	Shook, Lawrence :	
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cream -----	1258	Silzle, E. A., Corporation :	
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Inc. :		Skrmetta Sea Food Co. :	
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Prairie Produce Co., Inc. :		Slaughter, T. C. :	
poultry -----	1345	fish roe -----	1285
Pravata Candy Co. :		Smith Canning Co. :	
candy -----	1373	tomato catsup -----	1308

	N. J. No.		N. J. No.
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Spool Cotton Co.:		Unger, R. F.:	
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Stamm, Frank:		Union Macaroni Manufacturing Co.:	
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Stayton Canning Co., Co-Op.:		United States Cold Storage:	
sandwich spread-----	1286	egg whites-----	1266
Stevens, R. B. and C. G.:		Up-to-Date Candy Manufacturing Co.:	
clams, canned-----	1280	candy-----	1386
Stevenson, Dale:		Val Vita Food Products, Inc.:	
cream-----	1258	orange juice-----	1204
Stewart, C. D.:		Vermont Syrup Co.:	
cream-----	1258	maple sirup-----	1391
Stidd's, Inc.:		Votapka, Frank:	
chicken tamales-----	1236	cream-----	1258
Stinnette, T. S.:		Wall, C. R.:	
cream-----	1258	cream-----	1258
Streit, A., Inc.:		Ward, W. W.:	
egg noodles-----	1228	cream-----	1258
Sunland Sales Cooperative Assoc.:		Washburn Crosby Co.:	
raisins-----	1331, 1332	rye flour-----	1215
Sun-Maid Raisin Growers of California:		Washington Grain & Milling Co.:	
raisins-----	1331, 1332	flour-----	1206
Sunnyvale Packing Co.:		Waskow Butter Co.:	
tomato soup-----	1313	butter-----	1251
Sweet Life Food Corporation:		Weber, Jules, Inc.:	
tuna, canned-----	1283	mushrooms, grilled-----	1296
Talbot Packing & Preserving Co.:		Weiner, D. B.:	
peas, canned-----	1298	candy-----	1357
Tas-T-Nut Co.:		White, M. C.:	
candy-----	1376	cream-----	1259
Taylor, Lee:		White Pine Canning Co.:	
cream-----	1258	tomato puree-----	1312
Teresi, Antonio:		Wiegardt Bros.:	
prunes-----	1320	oysters, canned-----	1281
Terminal Refrigerating & Warehousing Corporation:		Wile, Julius, Sons & Co., Inc.:	
huckleberries-----	1289, 1290	mushrooms, grilled-----	1297
Thomas, B. L.:		Williamson Candy Co.:	
cream-----	1259	candy-----	1378-1380
Thomas Bros. Candy Co.:		Wilson & Co.:	
candy-----	1357	eggs, frozen-----	1264
Thomas, D. J.:		Winchester Dried Fruit Co.:	
candy-----	1357	prunes-----	1320
Toll, H. H.:		Woodlord, R.:	
cream-----	1258	cream-----	1259
Tracy, Mrs. George D., Poultry & Eggs:		Yukon Mill & Grain Co.:	
poultry-----	1347	flour-----	1210
Tranin Egg Products Co.:		Zimmerman, J. G.:	
egg whites, frozen-----	1226	cream-----	1258

Errata Slip

Changes in Food Notices of Judgment Nos. 1401-1500.

Page 392, N. J. No. 1412, main paragraph, last line, change Glesser to Glosser.

Page 393, 3d line from last, change Anderson & Collins to Andersen & Collins.

Page 401, N. J. No. 1448, main paragraph, line 3, change Gollot Sea-food Co. to Gollott Seafood Co.

Page 411, N. J. No. 1489, main paragraph, 3d line from last, delete first it.

Page 415, line 2, change Poultry to Products; column 2, line 11, change Sphaggetti to Spaggetti; index to Shippers, Processors, and Distributors, column 2, line 3, change Di Giorgi to Di Giorgio.

FEDERAL SECURITY AGENCY
FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1401-1500

FOODS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. McNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., August 11, 1941.

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CEREAL PRODUCTS

FLOUR AND CORN MEAL

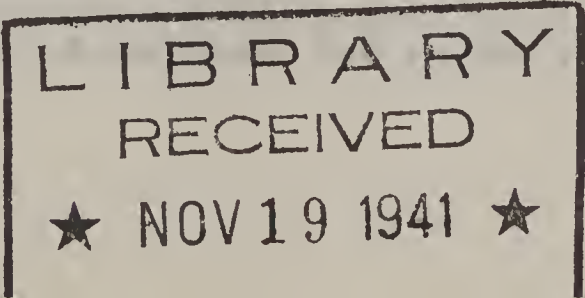
1401. Adulteration of flour. U. S. v. 238, 21, and 33 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. No. 2467. Sample Nos. 1400-E, 28701-E, 28702-E.)

Examination showed that these products were contaminated with rodent pellets.

On or about August 7, 1940, the United States attorney for the Western District of Virginia filed a libel against 292 bags of flour at Bristol, Va., alleging that the article had been shipped in interstate commerce on or about May 7, 1940, by the Loudonville Milling Co. from Loudonville, Ohio; and charging that it was adulterated. The article was labeled in part: "Fancy Winter Flour Southern Queen," or "The Grand Flour."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 11, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.



Nos. 1402 to 1405, inclusive, report the seizure and disposition of flour and corn meal that had been shipped in interstate commerce and were in interstate commerce at the time of examination, at which time the products were found to be insect-infested.

1402. Adulteration of flour. U. S. v. 46 and 27 Bags of Flour. Decree of condemnation and destruction. (F. D. C. No. 2432. Sample Nos. 28088-E, 28089-E.)

On July 29, 1940, the United States attorney for the Eastern District of North Carolina filed a libel against a total of 73 bags of flour at Roanoke Rapids, N. C., alleging that the article had been shipped in interstate commerce on or about May 21, 1940, by the Nappanee Milling Co. Inc., from Nappanee, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Peerless Bleached Self-Rising Flour," or "Happy Day Bleached Flour."

On October 15, 1940, R. E. Cleaton, Jr., trading as Roanoke Rapids Grocery Co., Roanoke Rapids, N. C., having appeared as claimant, judgment of condemnation was entered. The decree provided that the product be destroyed after 30 days but that it might be taken down under bond by the claimant within that time. Bond was not filed and the product was destroyed in accordance with said decree.

1403. Adulteration of whole wheat flour. U. S. v. 64 Sacks of Flour. Consent decree of condemnation. Product ordered released under bond to be denatured for use as feed for livestock. (F. D. C. No. 2994. Sample No. 11123-E.)

On September 17, 1940, the United States attorney for the Southern District of Texas filed a libel against 64 sacks of flour at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 31, 1940, by the Ralston Purina Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Tag) "Purina Whole Wheat Flour."

On October 18, 1940, the Ralston Purina Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as feed for livestock.

1404. Adulteration of corn meal and pancake flour. U. S. v. 17 and 13 Cases of Corn Meal, and 5 and 5 Cases of Pancake Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 3273, 3274. Sample Nos. 32280-E to 32283-E, incl.)

On October 24, 1940, the United States attorney for the District of Arizona filed a libel against 30 cases of corn meal and 10 cases of pancake flour at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about September 22, 1939, by the Pillsbury Flour Mills Co. from Springfield, Ill.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled variously: "Pillsbury's White Corn Meal"; "Yellow Corn Meal"; "Pancake Flour"; or "Buckwheat Wheat and Corn Pancake Flour."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1405. Adulteration of corn meal. U. S. v. 81 5-pound Bags, 162 10-pound Bags, and 112 20-pound Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 3988. Sample No. 65408-E.)

On April 1, 1941, the United States attorney for the District of New Mexico filed a libel against the above-named quantities of corn meal at Clovis, N. Mex., alleging that the article had been shipped in interstate commerce on or about July 24, 1940, by the Quaker Oats Co. from St. Joseph, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: "Aunt Jemima White Cream Corn Meal."

On April 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1406. Adulteration of corn meal. U. S. v. 712 10-pound Bags and 192 24-pound Bags of Corn Meal. Default decree of condemnation and destruction. Product ordered delivered to public institution for use as stock and hog feed. (F. D. C. No. 2704. Sample No. 27323-E.)

This product contained rodent excreta and rodent hairs.

On August 30, 1940, the United States attorney for the Southern District of West Virginia filed a libel against the above-named quantities of corn meal at Welch, W. Va., alleging that the article had been shipped in interstate com-

merce on or about July 22 and August 9, 1940, by John W. Eshelman & Sons from Circleville, Ohio; and charging that it was adulterated in that it contained rodent excreta and rodent hairs and was otherwise unfit for food. The article was labeled in part: "Eshelman's Red Rose White Corn Meal."

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution to be denatured and used as stock and hog feed.

MACARONI PRODUCTS

1407. Adulteration of egg noodles. U. S. v. 15 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3247. Sample No. 32285-E.)

This product was insect-infested.

On January 7, 1941, the United States attorney for the District of Arizona filed a libel against 15 cases of egg noodles at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about May 28 and September 7, 1940, by the Skinner Manufacturing Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Skinners Home Style Pure Egg Noodles."

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1408. Adulteration and misbranding of egg noodles. U. S. v. V. Arena & Sons, Inc. Plea of nolo contendere. Judgment of guilty. Fine, \$50. (F. D. C. No. 2118. Sample Nos. 14101-E, 14103-E, 14104-E, 77662-D to 77666-D, incl., 77668-D.)

This product contained artificial color which made it simulate the appearance of a product containing a larger proportion of egg than was actually present.

On October 2, 1940, the United States attorney for the Eastern District of Pennsylvania filed an information against V. Arena & Sons, Inc., Norristown, Pa., alleging shipment within the period from on or about October 9, 1939, to on or about February 19, 1940, from the State of Pennsylvania into the State of New Jersey of quantities of egg noodles that were adulterated and misbranded. The article was labeled in part: "Conte Luna Pure Egg Noodles."

The article was alleged to be adulterated in that an artificially colored product had been substituted wholly or in part for pure egg noodles, which it purported to be; and that artificial color had been added thereto and had been mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Pure Egg Noodles * * * Made from Semolina and Egg Yolks" in the labeling of a portion of the article, and the statement "Pure Egg Noodles" in the labeling of the remainder, were false and misleading in that they represented that it consisted of pure egg noodles and that a portion had been made solely from semolina and egg yolks; whereas it did not so consist, but did consist of a substance containing added artificial color which artificial color created the impression that the article contained a larger proportion of egg than was actually present.

On January 17, 1941, a plea of nolo contendere was entered on behalf of the defendant, and the court having found the defendant guilty, imposed a fine of \$50.

1409. Adulteration of macaroni and egg noodles. U. S. v. 21 Cases of Macaroni and 5 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. D. C. No. 3285. Sample Nos. 32288-E, 32290-E.)

These products were insect-infested.

On October 28, 1940, the United States attorney for the District of Arizona filed a libel against 21 cases of macaroni and 5 cases of egg noodles at Tucson, Ariz., alleging that the articles had been shipped in interstate commerce on or about March 21 and 27, 1940, by the National Food Products Co. from New Orleans, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances. The articles were labeled in part: "Luxury Brand Macaroni," or "Luxury Brand Plain Noodles."

On December 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1410. Misbranding of spaghetti and macaroni dinners. U. S. v. 19 Cases of Spaghetti, Sauce, and Cheese, and 17 Cases of Macaroni and Cheese. Default decrees of condemnation. Products ordered delivered to a Federal institution. (F. D. C. Nos. 2405, 2406. Sample Nos. 4046-E, 4047-E.)

The spaghetti dinner consisted of spaghetti, sauce, and cheese, each in a separate container and all enclosed in an outer carton. The products together occupied about 71 percent of the available space in the outer carton; the spaghetti occupied about 49 percent of its carton and the box of cheese was less than 60 percent full.

The macaroni dinner consisted of macaroni and a box of cheese which was attached to the top of the package by a special flap. The macaroni occupied only about 40 percent of the available space in the package, and the cheese only about 78 percent of the box in which it was packed. The cheese in both products contained added milk solids and its boxes were unlabeled.

On July 25, 1940, the United States attorney for the Eastern District of Michigan filed libels against 19 cases of the above-named products at Detroit, Mich., alleging that the articles had been shipped in interstate commerce on or about May 25 and June 20, 1940, by the Emm-An-Cee Co. from Chicago, Ill.; and charging that they were misbranded. They were labeled in part: "A complete meal 3 in 1 * * * Spaghetti Dinner"; "In a Jiffy * * * Macaroni Dinner."

The articles were alleged to be misbranded in that their containers were so made, formed, or filled as to be misleading. The cheese in both products was alleged to be misbranded in that it was in package form and did not bear the name and place of business of the manufacturer, packer, or distributor; nor an accurate statement of the quantity of the contents. The cheese was alleged to be misbranded further in that it was fabricated from two or more ingredients and did not bear the common or usual name of each ingredient.

On September 5, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered delivered to a Federal correctional institution.

1411. Adulteration of canned spaghetti. U. S. v. 33 Cases of Canned Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 3482. Sample No. 6768-E.)

The tomato sauce constituting a part of this product contained excessive mold.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 33 cases of canned spaghetti at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by Safeway Stores, Inc., from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Sonny Boy Brand * * * Spaghetti."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DAIRY PRODUCTS

BUTTER

Nos. 1412 to 1416, inclusive, of this publication report the seizure and disposition of butter that was found to contain mold.

1412. Adulteration of butter. U. S. v. 2,020 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 4221. Sample No. 42509-E.)

On March 19, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 2,020 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about March 8, 1941, by the Blue Valley Creamery Co. from Louisville, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. It was labeled in part: (Wrapper) "Budget Brand Butter * * * Distributed by Globe Wholesale, Inc., Johnstown, Pennsylvania"; (shipping carton) "Glessner Bros., Johnstown, Pa."

On April 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1413. Adulteration of butter. U. S. v. 50 Cartons of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3257. Sample No. 36342-E.)

On or about October 7, 1940, the United States attorney for the District of Rhode Island filed a libel against 50 cartons of butter at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about September 21, 1940, by the Fairmont Creamery Co. from Omaha, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Elmcroft Brand Butter Distributed by the American Egg Co. Providence, R. I."

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1414. Adulteration of butter. U. S. v. 61 Boxes of Butter. Consent decree of condemnation and destruction. (F. D. C. No. 3253. Sample Nos. 31205-E, 31606-E.)

On or about October 10, 1940, the United States attorney for the Northern District of Illinois filed a libel against 61 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 7, 1940, by the Producers Creamery Co. from Kirksville, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On November 22, 1940, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1415. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3058. Sample No. 27168-E.)

On August 21, 1940, the United States attorney for the Southern District of Ohio filed a libel against five tubs of butter at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by Schlosser Bros. from Indianapolis, Ind.; and charging that it was adulterated. The article was labeled in part: "Butter Gr. A & P Tea Co. N. Y. Distributors."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On February 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1416. Adulteration of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3403. Sample No. 20928-E.)

This product, in addition to containing mold, was also deficient in milk fat.

On or about October 30, 1940, the United States attorney for the Northern District of Florida filed a libel against 2 boxes of butter at Chipley, Fla., alleging that the article had been shipped in interstate commerce on or about October 16, 1940, by Jefferson Creamery, Inc. from Americus, Ga.; and charging that it was adulterated. It was labeled in part: "Mayo's Best Butter Made by West Florida Creamery & Produce Co., Chipley, Florida."

The article was alleged to be adulterated in that it contained excessive mold and had been prepared from a filthy, putrid, or decomposed substance. It was alleged to be adulterated further in that a substance containing less than 80 percent by weight of milk fat had been substituted therefor.

On December 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

Nos. 1417 to 1432 report the institution and conclusion of criminal proceedings based on shipments of butter which contained less than 80 percent by weight of milk fat. (The act of Congress defining butter and providing a standard therefor, which is made applicable to the provisions of this act, requires that butter shall contain not less than 80 percent by weight of milk fat.)

1417. Adulteration of butter. U. S. v. Rasmus Andersen and Archie J. Collins, copartners (Andersen & Collins). Pleas of guilty. Fine of \$25 against each defendant. (F. D. C. No. 2938. Sample No. 34149-E.)

On February 26, 1941, the United States attorney for the District of South Dakota filed an information against Rasmus Andersen and Archie J. Collins, copartners, trading as Anderson & Collins at Miller, S. Dak., alleging shipment in the name of Andersen Creamery Co. on or about September 11, 1940, from the State of South Dakota into the State of New York of a quantity of butter

that was adulterated. The article was labeled in part: "Trelease and Underhill New York Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 29, 1941, pleas of guilty having been entered, the court imposed a fine of \$25 against each of the defendants.

1418. Adulteration of butter. U. S. v. Armour & Co. Plea of guilty. Fine, \$60. (F. D. C. No. 2923. Sample Nos. 12528-E, 21003-E, 21014-E.)

On February 13, 1941, the United States attorney for the District of Idaho filed an information against Armour & Co., a corporation trading as Armour Creameries at Pocatello, Idaho, alleging shipment within the period from on or about April 30 to on or about June 15, 1940, from the State of Idaho into the State of California and the Territory of Hawaii of quantities of butter that was adulterated. A portion of the article was labeled in part: "Armour's Star Quality Cloverbloom Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On March 10, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$60.

1419. Adulteration of butter. U. S. v. Armour & Co. (Armour Creameries). Plea of guilty. Fine, \$150. (F. D. C. No. 2950. Sample Nos. 24515-E, 24516-E, 24519-E, 24525-E, 24526-E, 24527-E.)

On March 31, 1941, the United States attorney for the District of South Dakota filed an information against Armour & Co., a corporation trading as Armour Creameries at Mitchell, S. Dak., alleging shipment within the period from on or about September 24 to on or about October 15, 1940, from the State of South Dakota into the State of Pennsylvania of quantities of butter that was adulterated. The article was labeled in part: "Armour's Cloverbloom Trade Mark Butter."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 25, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$150.

1420. Adulteration of butter. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$50. (F. D. C. No. 2928. Sample Nos. 34156-E, 34172-E.)

On February 20, 1941, the United States attorney for the District of South Dakota filed an information against the Farmers Cooperative Creamery Co., a corporation at Ramona, S. Dak., alleging shipment on or about September 14 and 23, 1940, from the State of South Dakota into the State of New York, of quantities of butter that was adulterated. The article was labeled in part: "Butter Breakstone Bros. Inc. New York Distributors."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 27, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

1421. Adulteration of butter. U. S. v. Farmers Union Co-operative Creamery, a corporation. Plea of guilty. Fine, \$10. (F. D. C. No. 2854. Sample No. 10158-E.)

On October 31, 1940, the United States attorney for the District of North Dakota filed an information against the Farmers Union Cooperative Creamery, a corporation at Portland, N. Dak., alleging shipment on or about May 4, 1940, from the State of North Dakota into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "No. West Dairy Forward Co., Carlton, Minn. Creamery Butter Distributed by Zimmer & Dunkak, Inc., New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On November 12, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$10.

1422. Adulteration of butter. U. S. v. Grace E. Flittie (Flittie Creamery). Plea of guilty. Defendant placed on probation for 18 months without imposition of any sentence. (F. D. C. No. 2068. Sample No. 55178-D.)

On May 29, 1940, the United States attorney for the District of South Dakota filed an information against Grace E. Flittie, trading as Flittie Creamery at Washington Springs, S. Dak., alleging shipment within the period from on or about January 9 to 16, 1940, from the State of South Dakota into the State of Illinois, of a quantity of butter that was adulterated.

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 7, 1941, a plea of guilty having been entered, the court placed the defendant on probation for a period of 18 months without the imposition of any sentence.

1423. Adulteration of butter. U. S. v. Harvey L. Peterson (Galva Creamery Co.). Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2847. Sample Nos. 89420-D, 4896-E.)

On January 4, 1941, the United States attorney for the Western District of Missouri filed an information against Harvey L. Peterson, trading as Galva Creamery Co. at Kansas City, Mo., alleging shipment on or about February 17 and May 11, 1940, from the State of Missouri into the State of Illinois, of a quantity of butter that was adulterated. The article was labeled in part: "Creamery Butter Marwyn Dairy Prod's Corp. Chicago, Ill., Distributors."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 21, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$50 and costs.

1424. Adulteration of butter. U. S. v. Jerpe Dairy Products Corporation. Plea of guilty. Fine, \$300. (F. D. C. No. 957. Sample Nos. 61072-D, 61073-D, 61075-D.)

On April 30, 1940, the United States attorney for the Western District of Arkansas filed an information against Jerpe Dairy Products Corporation at Fayetteville, Ark., alleging shipment on or about September 11, 1939, from the State of Arkansas into the State of Louisiana of a quantity of butter that was adulterated. The article was labeled in part: "Clear Brook Creamery Butter * * * Distributed by Wilson & Co."; or "Ol' Fashund Roll * * * Clear Brook Quality * * * Finest Creamery Butter. Distributors Wilson & Co."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 13, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$300.

1425. Adulteration and misbranding of butter. U. S. v. Paul Sorensen (Kimball Creamery). Plea of guilty. Fine, \$150. (F. D. C. No. 2910. Sample Nos. 6797-E, 44470-E.)

A portion of this product was short weight as well as low in milk fat.

On April 14, 1941, the United States attorney for the District of Nebraska filed an information against Paul Sorensen, trading as Kimball Creamery at Kimball, Nebr., alleging shipment on or about September 11 and November 8, 1940, from the State of Nebraska into the State of Wyoming of quantities of butter that was adulterated and a part of which was also misbranded. The article was labeled in part: "1 pound Net. Sheaffer's Creamery Butter * * * Laramie, Wyoming."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

The article in one shipment was alleged to be misbranded in that the statements "1 pound Net" and "1 Lb.," appearing on the cartons, were false and misleading since the cartons contained less than 1 pound of butter; and in that the article was in package form and its label did not bear an accurate statement of the quantity of the contents in terms of weight.

On May 13, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$150.

1426. Adulteration of butter. U. S. v. John Edward Landsberger (Landsberger Creamery & Produce Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 2971. Sample Nos. 34161-E, 34167-E.)

On April 24, 1941, the United States attorney for the District of South Dakota filed an information against John Edward Landsberger, trading as Landsberger Creamery & Produce Co. at Sisseton, S. Dak., alleging shipment on or about September 18 and 21, 1940, from the State of South Dakota into the State of New York, of a quantity of butter that was adulterated. The article was labeled in part: "Creamery Butter Distributed by Gude Bros. Kieffer Co. New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been omitted therefrom. The article was alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On May 8, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$50.

1427. Adulteration of butter. U. S. v. Meriden Creamery Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2916. Sample Nos. 31207-E, 31605-E.)

On January 21, 1941, the United States attorney for the Western District of Missouri filed an information against the Meriden Creamery Co., a corporation. Kansas City, Mo., alleging shipment on or about July 29, 1940, from the State of Missouri into the State of Illinois of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On February 1, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

1428. Adulteration of butter. U. S. v. Miller & Holmes, Inc., a corporation. Plea of guilty. Fine, \$25. (F. D. C. No. 2918. Sample No. 33358-E.)

On April 28, 1941, the United States attorney for the District of Minnesota filed an information against Miller & Holmes, Inc., St. Paul, Minn., alleging shipment on or about August 24, 1940, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "Butter J. R. Kramer, Inc. Distributors New York, N. Y."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 28, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

1429. Adulteration of butter. U. S. v. Northrop Cooperative Creamery Co. Plea of guilty. Fine, \$20. (F. D. C. No. 2121. Sample No. 33252-E.)

On January 21, 1941, the United States attorney for the District of Minnesota filed an information against the Northrop Cooperative Creamery Co., a corporation at Northrop, Minn., alleging shipment on or about May 14, 1940, from the State of Minnesota into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "Sunnyfield A & P Butter The Great Atlantic and Pacific Tea Co."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 21, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$20.

1430. Adulteration of butter. U. S. v. George I. Southard and Mrs. Emma Southard (Pickwick Creamery). Pleas of guilty. Defendants placed on probation for 18 months. (F. D. C. No. 2108. Sample Nos. 14653-E, 14656-E.)

On January 28, 1941, the United States attorney for the District of Minnesota filed an information against George I. Southard and Mrs. Emma Southard, copartners, trading as Pickwick Creamery at Lamoille, Minn., alleging shipment on or about March 27, 1940, from the State of Minnesota into the State of Pennsylvania of a quantity of butter that was adulterated. The article was

labeled in part: (Wrapper) "Butter * * * Frank Hellerick Co. Inc. Phila., Pa. Wholesale Distributors."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 28, 1941, pleas of guilty having been entered, the court placed the defendants on probation for 18 months.

1431. Adulteration of butter. U. S. v. David B. Sorensen (Sorensen Creamery). Plea of guilty. Fine, \$100. (F. D. C. No. 2879. Sample Nos. 10311-E, 33310-E.)

On December 26, 1940, the United States attorney for the District of South Dakota filed an information against David B. Sorensen, trading as Sorensen Creamery at Big Stone City, S. Dak., alleging shipment on or about March 9 and June 2, 1940, from the State of South Dakota into the State of New York of quantities of butter which was adulterated. The article was labeled in part: "Butter Distributed by J. R. Kramer, Inc. New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On January 31, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of \$100.

1432. Adulteration of butter. U. S. v. Wayne O. Stevenson (Valentine Creamery). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2915. Sample Nos. 10540-E, 16543-E.)

On February 27, 1941, the United States attorney for the District of Nebraska filed an information against Wayne O. Stevenson, trading as Valentine Creamery at Valentine, Nebr., alleging shipment on or about August 25, 1940, from the State of Nebraska into the State of New York of a quantity of butter that was adulterated. The article was labeled in part: "Herold-Gearon Co. Inc. New York."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On April 9, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$25 and costs.

Nos. 1433 to 1445, inclusive, report the seizure and disposition of butter that contained less than 80 percent by weight of milk fat.

1433. Adulteration and misbranding of butter. U. S. v. 9 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4207. Sample No. 40618-E.)

On March 18, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 9 cubes of butter at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 9, 1941, by the Albin Creamery from Sleepy Eye, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Frank Hellerick Co. Inc. * * * Wholesale Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On March 19, 1941, Frank Hellerick & Co., Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked so that it comply with the law.

1434. Adulteration of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4320. Sample No. 47166-E.)

On January 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 13 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 15, 1941, by the Attica Community Cooperative Creamery from Attica, Kans.; and charging that it was adulterated in that a product containing less than 80 percent by

weight of milk fat had been substituted for butter. It was labeled in part: "Butter S. S. Borden Co. Chicago, Distributor."

On March 26, 1941, the Attica Community Cooperative Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

1435. Adulteration and misbranding of butter. U. S. v. 3 $\frac{1}{8}$ Cases of Butter. Default decree of forfeiture and destruction. (F. D. C. No. 3567. Sample No. 52521-E.)

On December 6, 1940, the United States attorney for the District of Idaho filed a libel against 3 $\frac{1}{8}$ cases of butter at Wallace, Idaho, alleging that the article had been shipped in interstate commerce on or about November 16, 1940, by the Commercial Creamery Co. from Spokane, Wash.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On January 22, 1941, no claimant having appeared, judgment was entered forfeiting the product and ordering that it be destroyed.

1436. Adulteration and alleged misbranding of butter. U. S. v. 20 $\frac{5}{6}$ Cases of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 3666. Sample No. 43844-E.)

This product, in addition to being deficient in milk fat, was mislabeled because the name of the manufacturer was not correctly stated and the place of manufacture was not given.

On or about January 6, 1941, the United States attorney for the District of Kansas filed a libel against 20 $\frac{5}{6}$ cases of butter at Kansas City, Kans., alleging that the article had been shipped in interstate commerce on or about December 19, 1940, by the Emma Creamery Co. from Emma, Mo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Gold Seal Pure Cream Butter * * * Churned and Distributed Fresh Daily by Talbot, Woods & Co."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom; and in that a substance containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter.

It was alleged to be misbranded since the name of the manufacturer was not correct and the place of manufacture was not given.

On January 4, 1941, Talbot, Woods & Co., of Kansas City, Kans., claimant, having admitted that the product was adulterated as alleged in the libel, judgment was entered finding the product adulterated, and ordering that it be condemned and released under bond conditioned that it be brought into compliance with the law.

1437. Adulteration of butter. U. S. v. 138 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3849. Sample No. 31660-E.)

On or about February 7, 1941, the United States attorney for the Northern District of Illinois filed a libel against 138 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, by the Farmers Cooperative Creamery from Waurika, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Peter Fox Sons Co., Distributor Chicago, Ill."

On February 11, 1941, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

1438. Adulteration of butter. U. S. v. 6 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4828. Sample No. 47197-E.)

On April 21, 1941, the United States attorney for the Northern District of Illinois filed a libel against 6 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 10, 1941, by

the Grand Meadow Creamery Co. from Grand Meadow, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Creamery Butter the Peter Fox Sons Co. Distributors Chicago, Ill."

On May 3, 1941, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

1439. Adulteration and misbranding of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3891. Sample Nos. 55963-E, 55967-E.)

On February 18, 1941, the United States attorney for the Western District of Washington filed a libel against 11 cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by the Mission Valley Dairymen's Association from Ronan, Mont.; and charging that it was adulterated and misbranded. The article was labeled in part: "Klock Produce Co. Seattle."

It was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent of milk fat.

On February 19, 1941, the Mission Valley Dairymen's Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond to be reworked to the legal standard.

1440. Adulteration of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3890. Sample No. 31673-E.)

On or about February 11, 1941, the United States attorney for the Northern District of Illinois filed a libel against 33 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 28, 1941, by the Mooreland Community Creamery from Mooreland, Okla.; and charging that it was adulterated. It was labeled in part: "Butter The Peter Fox Sons Co. Distributors, Chicago."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 13, 1941, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked to the legal standard.

1441. Adulteration of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3571. Sample No. 31633-E.)

On or about December 4, 1940, the United States attorney for the Northern District of Illinois filed a libel against 60 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 1, 1940, by the O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter The Peter Fox Sons Co. Distributors, Chicago, Ill."

On December 11, 1940, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

1442. Adulteration of butter. U. S. v. 14 63-pound Cubes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 3919. Sample No. 43871-E.)

On or about February 26, 1941, the United States attorney for the Western District of Missouri filed a libel against 14 cubes of butter at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 27, 1940, by the Olathe Creamery & Produce Co. from Olathe, Kans.; and charging that it was adulterated.

The article was alleged to be adulterated in that a valuable constituent, butterfat, had been in whole or in part abstracted therefrom; and in that a product

containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 27, 1941, the Olathe Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law. The butter was reworked to the legal standard.

1443. Adulteration and misbranding of butter. U. S. v. 5 $\frac{8}{15}$ Cases and 4 $\frac{5}{6}$ Cases of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4208. Sample Nos. 43242-E, 43243-E.)

On March 11, 1941, the United States attorney for the Northern District of Oklahoma filed a libel against the above-named quantities of butter at Miami, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about February 25 to on or about March 2, 1941, by the Puritan Dairy Products Co. from Pittsburg, Kans.; and charging that it was adulterated and misbranded. The article was labeled in part: "Puritan Brand."

It was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that an article containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter"; whereas it was not butter as defined by law.

On March 14, 1941, the Puritan Dairy Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

1444. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4812. Sample No. 62202-E.)

On April 30, 1941, the United States attorney for the Northern District of Illinois filed a libel against 14 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 21, 1941, by the Spring Grove Cooperative Creamery from Spring Grove, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Distributed by H. C. Christians Co. Chicago."

On May 7, 1941, H. C. Christians Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

1445. Adulteration of butter. U. S. v. 1 Box and 5 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 4551. Sample No. 47173-E.)

On or about April 16, 1941, the United States attorney for the Northern District of Illinois filed a libel against 6 boxes of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 31, 1941, by the United Creameries Service from Omaha, Nebr.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: "Butter Peter Fox Sons Co. Distributors * * * Chicago."

On May 3, 1941, the Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

EGGS

1446. Adulteration of shell eggs. U. S. v. Louis Klass (Klass Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 2882. Sample No. 4554-E.)

This product contained about 21 percent of decomposed eggs.

On January 8, 1941, the United States attorney for the Northern District of Iowa filed an information against Louis Klass, trading at Klass Produce Co. at Sioux City, Iowa, alleging shipping on or about July 30, 1940, from the State of Iowa into the State of Illinois of a quantity of shell eggs that were

adulterated in that they consisted in whole and in part of a decomposed substance.

On January 8, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$25 and costs.

1447. Adulteration of frozen eggs. U. S. v. 1,250 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 2014. Sample Nos. 7553-E, 7837-E.)

This product was in part putrid, musty, or sour.

On May 23, 1940, the United States attorney for the Southern District of California filed a libel against 1,250 cans of frozen whole eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by Wilson & Co., Inc., from Amarillo, Tex.; and charging that it was adulterated in that it contained a putrid or decomposed substance and was unfit for food in that it contained putrid, musty, and sour eggs.

On June 4, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. All cans were examined and the unfit were segregated and destroyed.

FISHERIES PRODUCTS

CRAB MEAT

1448. Adulteration of crab meat. U. S. v. Carroll F. Gollott (C. F. Gollott Sea-food Co.). Plea of guilty. Fine of \$10 and 60 days in jail. Both suspended, and defendant placed on probation for 12 months. (F. D. C. No. 2844. Sample No. 35002-E.)

This product contained fecal *Escherichia coli*.

On February 4, 1941, the United States attorney for the Southern District of Mississippi filed an information against Carroll F. Gollott, trading as C. F. Gollott Sea-food Co. at Biloxi, Miss., alleging shipment on or about June 11, 1940, from the State of Mississippi into the State of Maryland of a quantity of crab meat which was adulterated in that it consisted in whole and in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 17, 1941, a plea of guilty having been entered, the court imposed a fine of \$10 and sentenced the defendant to 60 days in jail. Both fine and jail sentence were suspended and the defendant was placed on probation for 12 months.

FROZEN FISH

Nos. 1449 to 1455, inclusive, report the seizure and disposition of frozen fish that was in whole or in part decomposed.

1449. Adulteration of frozen cod fillets. U. S. v. 81 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3336. Sample Nos. 39522-E, 39523-E, 39528-E, 39529-E.)

On November 4, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 81 boxes of frozen fillets at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 12, 1940, by the Gloucester Fresh Fish Co., from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Northeast Skin Cod Fillets."

On November 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1450. Adulteration of hake and cod fillets. U. S. v. 13 Boxes of Hake and 23 Boxes of Cod. Default decree of condemnation and destruction. (F. D. C. No. 3349. Sample Nos. 39536-E to 39539-E, incl.)

On November 6, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 36 boxes of frozen fish at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 7, 1940, by the Star Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1451. Adulteration of frozen haddock fillets. U. S. v. 50 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3338. Sample No. 31860-E.)

On November 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 50 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1940, by Busalacchi Bros. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "SM Hadd Fillets * * * Seakist Brand Fish."

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1452. Adulteration of haddock fillets. U. S. v. 37 Cases of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3311. Sample No. 31854-E.)

On November 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 37 cases of haddock fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1940, by the Frosted Foods Sales Corporation from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1453. Adulteration of frozen flounder fillets. U. S. v. 327 Boxes and 24 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3359. Sample Nos. 31866-E, 31867-E.)

On November 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 351 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 29, 1940, by the Weinreb Fish Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1454. Adulteration of whiting. U. S. v. 100 Boxes of H. and G. Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3306. Sample No. 31852-E.)

On or about November 6, 1940, the United States attorney for the Northern District of Illinois filed a libel against 100 boxes of H. and G. whiting at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1940, by 40-Fathom Fish, Inc., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "H and G Whiting Packed by General Seafoods Corporation."

On January 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1455. Adulteration of frozen whiting fillets. U. S. v. 80 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 3335. Sample No. 31861-E.)

On or about November 16, 1940, the United States attorney for the Northern District of Illinois filed a libel against 80 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14 and 29, 1940, by the Gloucester Seafoods Corporation, from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Frosted H and G Whiting."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

1456. Adulteration of tullibees. U. S. v. 57 Boxes of Tullibees. Consent decree of condemnation. Product ordered converted into fertilizer. (F. D. C. No. 2243. Sample No. 4388-E.)

This product contained parasitic worms.

On June 20, 1940, the United States attorney for the Northern District of Illinois filed a libel against 57 boxes of tullibees at Chicago, Ill., alleging that

the article had been shipped in interstate commerce on or about June 10, 1940, by the Selvog Fish Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 27, 1940, Morris Fisheries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered converted into fertilizer.

1457. Adulteration and misbranding of canned tuna fish. U. S. v. 17 and 23 Cases of Tuna Fish. Default decree of condemnation and destruction. (F. D. C. No. 1997. Sample No. 10813-E.)

This product when originally shipped in interstate commerce, was labeled "F. S. C. Brand Tuna Flakes." Subsequent to such shipment a portion was relabeled "White Meat Tuna." It was not white meat tuna but was identical with or similar to yellow fin tuna.

On May 24, 1940, the United States attorney for the Northern District of New York filed a libel against 17 cases of unlabeled and 23 cases of labeled tuna fish at Schenectady, N. Y., alleging that the article had been shipped in interstate commerce on or about January 26 and February 2, 1940, by the Sea Foods Corporation from Manila, P. I., to William A. Camp Co., Inc. at New York, N. Y., bearing the shipper's "F. S. C. Brand Tuna" labels; that after receipt by the William A. Camp Co., Inc., the labels were stripped from the cans and 40 cases were shipped unlabeled on or about April 10, 1940, to Schenectady, N. Y., and invoiced by William A. Camp Co., Inc., as "White Meat Tuna"; that Grosberg-Golub Co., Inc., the firm to which it had been shipped while the article was in interstate commerce relabeled 23 cases in part as follows: "White Meat Tuna Fish Sweet Life * * * Distributed by Sweet Life Food Corp. Brooklyn, N. Y."

Both labeled and unlabeled portions were alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

The labeled portion was alleged to be misbranded in that the statement "White Meat Tuna" was false and misleading since the article was not white meat tuna; and in that it was offered for sale under the name of another food. The unlabeled portion was alleged to be misbranded in that it was in package form, and while in interstate commerce and when shipped and received in interstate commerce, it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; an accurate statement of the quantity of the contents; and the common or usual name of the food which it purported to be.

On July 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

BLUEBERRIES

1458. Adulteration of blueberries. U. S. v. 13 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 3282. Sample No. 34262-E.)

This product was infested with maggots.

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 13 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1940, by M. Kunderack from St. Clair, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Sunny Mountains Brand Sweet Berries St. Clair, Pa."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CANNED FRUITS AND VEGETABLES

1459. Misbranding of pitted sour cherries. U. S. v. 174 Cans of Pitted Sour Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3065. Sample Nos. 27401-E, 27402-E, 27403-E.)

This product contained excessive pits. It had been shipped in interstate commerce as substandard cherries but had been relabeled after such shipment as standard cherries.

On September 23, 1940, the United States attorney for the Southern District of Ohio filed a libel against 174 cans of pitted sour cherries at Dayton, Ohio, alleging that the article had been shipped in interstate commerce on or about February 27 and April 5, 1939, by H. C. Hemingway & Co. from Lockport, N. Y.; and charging that it was misbranded. The article had been shipped by the Lockport Canning Co. in the name of H. C. Hemingway & Co. When so shipped it was labeled in part: "Below U. S. Standard Good Food—Not High Grade Partially Pitted." When examined by this Agency, this label had been removed and new labels had been affixed to the cans reading in part: "Tru Value Pitted Red Sour Cherries * * * Packed for Lush'us Brand Distributors, Inc."

The article was alleged to be misbranded in that its quality fell below the standard prescribed by regulations provided by law, and its package or label did not bear a plain and conspicuous statement as prescribed by such regulations indicating that it fell below such standard.

On October 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1460. Misbranding of canned cherries. U. S. v. 100 Cases of Canned Cherries. Default decree of condemnation and destruction. (F. D. C. No. 3481. Sample No. 55569-E.)

This product was substandard because of the presence of excessive pits and was not labeled to indicate that fact.

On December 9, 1940, the United States attorney for the District of Idaho filed a libel against 100 cases of canned cherries at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about November 1, 1940, in a pool-car shipment from Portland, Oreg., for the Stayton Canning Co. of Stayton, Oreg.; and charging that it was misbranded. It was labeled in part: (Cans) "Santiam Brand Water Pack Red Sour Pitted Cherries."

The article was alleged to be misbranded in that it purported to be a food for which a standard of quality had been prescribed by regulations as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On January 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1461. Adulteration of canned huckleberries. U. S. v. 247 Cartons of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3475. Sample No. 22112-E.)

This product contained worms.

On December 4, 1940, the United States attorney for the Northern District of California filed a libel against 247 cases of canned huckleberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about November 5, 1940, by Younglove & Co., Tacoma, Wash.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Mountain Home Brand Pastry Pack Huckleberries."

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1462. Adulteration of canned crushed pineapple. U. S. v. 32 Cans of Crushed Pineapple. Default decree of condemnation and destruction. (F. D. C. No. 2377. Sample No. 3750-E.)

This product contained insects and insect fragments.

On July 19, 1940, the United States attorney for the Western District of New York filed a libel against 32 cans of pineapple at Buffalo, N. Y., alleging that the article had been shipped on September 13, 1939, by Libby, McNeill & Libby from Honolulu, Hawaii; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 13, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1463. Adulteration of canned peas. U. S. v. 75 Cases of Canned Peas. Default decree of condemnation and destruction. (F. D. C. No. 2184. Sample No. 28304-E.)

This product was in whole or in part decomposed.

On or about June 10, 1940, the United States attorney for the Western District of Virginia filed a libel against 75 cases of canned peas at Harrisonburg,

Va., alleging that the article had been transported in interstate commerce on or about March 15, 1940, by the Harrisonburg Grocery Co., Inc., from Baltimore, Md., to the place of business of the shipper in Harrisonburg, Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Temptu Early Variety Peas Distributed by King Foods Co. Baltimore, Md."

On July 17, 1940, no claim having been entered, judgment of condemnation was entered and the product was ordered destroyed.

1464. Adulteration and misbranding of canned peas. U. S. v. Uco Food Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 2102. Sample Nos. 68760-D, 68762-D, 68763-D, 68764-D.)

This product consisted of mature peas and not early June peas as labeled.

On September 21, 1940, the United States attorney for the District of New Jersey filed an information against the Uco Food Corporation, Newark, N. J., alleging shipment within the period from on or about August 4 to on or about November 10, 1939, from the State of New Jersey into the State of New York of quantities of canned peas that were adulterated and misbranded. The article was labeled in part: "Lawn Dale Brand * * * Early June Peas * * * Distributed by Westside Wholesale Grocery Company Chicago"; or "Pultney Brand Early June Peas packed by K. M. Davies Company Williamson, N. Y."

It was alleged to be adulterated in that mature dried peas had been substituted in whole or in part for early June peas, i. e., immature succulent peas, which it purported to be.

It was alleged to be misbranded in that the statements "Early June Peas," together with a design of peas in pods with respect to both brands, and the statement "Distributed by the West Side Wholesale Grocery Co., Chicago Ill.," with respect to the Lawn Dale brand, and the statement "Packed by K. M. Davies Co., Inc., at Williamson, N. Y.," with respect to the Pultney brand, borne on the labels, were false and misleading in that they represented that the article consisted of immature succulent peas and that it was distributed or packed by the firms named on their respective labels; whereas it did not consist of immature succulent peas but did consist in whole or in part of mature, dried peas and had not been distributed or packed by said firms.

On October 22, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

1465. Misbranding of canned peas. U. S. v. 38 Cases of Unlabeled Canned Peas and 1 Case of Labeled Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1181. Sample No. 68771-D.)

This product was canned soaked dry peas. A portion was labeled to indicate that it was canned immature peas and a portion was unlabeled.

On December 12, 1939, the United States attorney for the District of New Jersey filed a libel against 39 cases of canned peas at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about October 27, 1939, by the York Star Canning Co., Inc., from New York, N. Y.; and charging that it was misbranded. One case was labeled in part: (Design of peas in pod) "Lincoln Highway Brand Peas * * * Packed by Geo. E. Stocking Canning Factory Rochelle, Ill."

The labeled portion of the product was alleged to be misbranded in that the statement "Peas" and the design of peas in a pod were false and misleading as applied to canned soaked dry peas. The labeled portion was alleged to be misbranded further in that the statement "Packed by Geo. E. Stocking Canning Factory Rochelle, Ill." was false and misleading since the article was packed by the York Star Canning Co. Inc., New York.

The unlabeled portion was alleged to be misbranded in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On February 21, 1941, judgment was entered nunc pro tunc as of June 11, 1940, condemning the product and ordering that it be delivered to a charitable institution.

1466. Adulteration of canned pumpkin. U. S. v. 63 Cases and 194 Cases of Canned Pumpkin. Default decrees of condemnation and destruction. (F. D. C. Nos. 3479, 3480. Sample Nos. 39254-E, 39841-E.)

This product contained a glasslike mineral substance.

On December 5, 1940, the United States attorney for the Eastern District of Missouri filed libels against 63 cases and 194 cases of canned pumpkin at

St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 12, 1940, by the Salinger Brokerage Co. from New Boston, Ill.; and charging that it was adulterated. The article was labeled in part: (Cans) "Laclede Brand Pumpkin"; or "Tom-Boy Fancy Solid Pack Pumpkin."

It was alleged to be adulterated in that it contained an added deleterious glasslike mineral substance which might have rendered it injurious to health; in that it was unfit for food; and in that a glasslike substance had been substituted wholly or in part for pumpkin, and had been added thereto or mixed or packed therewith so as to reduce its quality.

On December 31, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATO PRODUCTS

Nos. 1467 to 1487, except 1470, 1480, and 1486, report the seizure and disposition of tomato products that contained excessive mold, indicating the presence of decomposed material.

1467. Adulteration of tomato catsup. U. S. v. 306 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3963. Sample No. 43241-E.)

On March 12, 1941, the United States attorney for the Western District of Oklahoma filed a libel against 306 cases of tomato catsup at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about October 24, 1940, by the Fettig Canning Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Belle Isle Tomato Catsup."

On May 6, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1468. Adulteration of tomato catsup. U. S. v. 398 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 3426. Sample No. 38065-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination at which time it was found to be undergoing progressive spoilage.

On November 23, 1940, the United States attorney for the Western District of Michigan filed a libel against 398 cases of catsup at Menominee, Mich., alleging that the article had been shipped in interstate commerce on or about September 26, 1940, by the Midwest Food Packers, Inc., from Fowlerton, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Jugs) "White Birch Brand Capsup."

On April 21, 1941, the Midwest Food Packers, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be separated from the bad and that the latter be destroyed.

1469. Adulteration of tomato catsup. U. S. v. 238 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 3450. Sample No. 16569-E.)

On November 28, 1940, the United States attorney for the District of Nebraska filed a libel against 238 cases of tomato catsup at Nebraska City, Nebr., alleging that the article had been shipped in interstate commerce on or about September 24, 1940, by Old Grimes Canning Co. from Grimes, Iowa; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Bottles) "Queenia Brand Tomato Catsup."

On January 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1470. Misbranding of tomato catsup. U. S. v. 95 Cases of Tomato Catsup. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2426. Sample Nos. 21054-E, 21059-E.)

This product was short weight.

On or about August 2, 1940, the United States attorney for the Southern District of Florida filed a libel against 95 cases of tomato catsup at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 20, 1940, by the Harcourt Greene Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "R-Best Brand Tomato Catsup * * * Packed by Stockton Food Products Inc. Stockton California."

It was alleged to be misbranded in that the statement on the label, "Net Contents 7 Lbs. Metric Equivalent 3.17 Kilograms," was false and misleading since it was incorrect. The article was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On August 10, 1940, the Harcourt Greene Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled.

1471. Adulteration of tomato catsup. U. S. v. 148 and 75 Cases of Tomato Catsup (and 4 other seizure actions against tomato catsup). Judgments of condemnation. Portion of product destroyed. Remainder ordered released under bond for salvaging of containers and destruction of contents. (F. D. C. Nos. 1273, 1422, 1443, 1463, 1780. Sample Nos. 66737-D, 66738-D, 66739-D, 84277-D, 84279-D, 16028-E, 16029-E.)

Between January 11 and April 11, 1940, the United States attorneys for the Western District of Missouri, the District of Kansas, and the Western District of Oklahoma filed libels against 223 cases of tomato catsup at Springfield, Mo.; 928 cases at Coffeyville, Kans.; 127 cases at Wichita, Kans.; and 1,495 cases at Lawton, Okla., alleging that the article had been shipped in interstate commerce within the period from on or about January 21 to on or about December 27, 1939, by the Frazier Packing Corporation from Elwood, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Frazier's Tomato Catsup."

On February 8, 1940, no claimant having appeared for the lot seized at Springfield, Mo., judgment of condemnation was entered and the product was ordered destroyed. On March 5 and May 28, 1940, the Frazier Packing Corporation, claimant in the remaining actions, having admitted the allegations of the libels, judgments of condemnation were entered, and the product was ordered released under bond for destruction of the catsup and salvaging of the bottles and cases. On June 19, 1940, the decree filed in the Western District of Oklahoma was modified to provide for destruction of the goods, the claimant having failed to execute the bond and having consented to such destruction.

1472. Adulteration of tomato catsup and tomato puree. U. S. v. Smith Canning Co., Inc. Plea of guilty. Fine, \$32. (F. D. C. No. 2958. Sample Nos. 16027-E, 16041-E, 16042-E, 16604-E, 16720-E, 16721-E, 18365-E, 66747-D, 67142-D, 90821-D.)

One lot of catsup contained worm and insect fragments, in addition to mold.

On April 28, 1941, the United States attorney for the District of Utah filed an information against the Smith Canning Co., Inc., Clearfield, Utah, alleging shipment within the period from on or about October 31, 1939, to on or about February 19, 1940, from the State of Utah into the States of Oklahoma, Missouri, Idaho, and Kansas, of quantities of tomato catsup and tomato puree that were adulterated.

Portions of the articles were labeled in part variously: "La Vora Brand Catsup [or "Smith Brand Puree" or "Fancy Dinnerette Brand Catsup"] Distributed by Smith Canning Co." One lot of puree was labeled in part: "Lee * * * Tomato Puree Distributors The H. D. Lee Mercantile Co., Kansas City, Mo., Salina, Kas."

One lot of catsup was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The puree and the remainder of the catsup were alleged to be adulterated in that they consisted in whole or in part of decomposed substances.

On April 28, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$32.

1473. Adulteration of tomato puree and tomato catsup. U. S. v. 13 Cases of Tomato Puree (and 2 seizure actions against tomato catsup). Default decrees of condemnation and destruction. (F. D. C. Nos. 3968, 4103, 4253. Sample Nos. 42714-E, 47147-E, 47421-E.)

Between March 15 and April 7, 1941, the United States attorneys for the Northern District of Illinois and the Northern District of Ohio filed libels against 13 cases of tomato puree and 497 cases of tomato catsup at Chicago, Ill., and 208 cases of tomato catsup at Youngstown, Ohio, alleging that the articles had been shipped in interstate commerce within the period from on or about January 16 to on or about February 28, 1941, by the Morgan Packing Co., from Austin, Ind.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled variously: "Scott County Brand Tomato Puree"; "Kenmore [or "Cream Brand"] Tomato Catsup."

On May 5 and 13, 1941, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1474. Adulteration of tomato puree. U. S. v. 74 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 4048. Sample No. 29175-E.)

On March 25, 1941, the United States attorney for the Southern District of Ohio filed a libel against 74 cases of tomato puree at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about September 7, 1940, by the Butterfield Canning Co. from Muncie, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Indiano, Brand Tomato Puree."

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1475. Adulteration of tomato puree. U. S. v. 140 Cases of Tomato Puree, Default decree of condemnation and destruction. (F. D. C. No. 3656. Sample No. 43133-E.)

On or about January 24, 1941, the United States attorney for the Western District of Missouri filed a libel against 140 cases of tomato puree at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 12, 1940, by the Colorado Packing Plant from Canon City, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Royal Gorge Brand Tomato Puree."

On March 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1476. Adulteration of tomato puree. U. S. v. 154 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 3877. Sample No. 47144-E.)

On March 3, 1941, the United States attorney for the Northern District of Illinois filed a libel against 154 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 10, 1941, by Knox Pickle & Preserving Works from Sidney, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Blossom * * * Tomato Puree."

On March 11, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1477. Adulteration of tomato puree. U. S. v. 67 Cases of Tomato Puree. Consent decree of condemnation and destruction. (F. D. C. No. 3774. Sample No. 30882-E.)

On February 11, 1941, the United States attorney for the Northern District of Illinois filed a libel against 67 cases of tomato puree at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 8, 1941, by the Loudon Packing Co. from Saratoga, Ind.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. It was labeled in part: "Hillman's Tomato Puree."

On April 3, 1941, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1478. Adulteration of tomato puree. U. S. v. 900 Cases and 1,500 Cases of Tomato Puree. Default decree of condemnation. Product ordered released under bond to be denatured. (F. D. C. No. 1701. Sample Nos. 6427-E, 6428-E.)

On March 23, 1940, the United States attorney for the District of Colorado filed a libel against 2,400 cases of tomato puree at Pueblo, Colo. (consigned by H. D. Olson), alleging that the article had been shipped in interstate commerce on or about September 27 and December 29, 1939, from Ogden, Utah; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On January 14, 1941, Meyer Levy, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be denatured with charcoal and disposed of for animal feeding purposes only.

1479. Adulteration of tomato puree. U. S. v. 10 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. D. C. No. 3900. Sample No. 29170-E.)

On February 28, 1941, the United States attorney for the Western District of Kentucky filed a libel against 10 cases of tomato puree at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about January 20, 1941, by the Preston-Rider Packing Co. from Campbellsburg, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Rider Best Tomato Puree."

On April 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1480. Misbranding of tomato puree. U. S. v. 98 Cases of Tomato Puree. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3997. Sample No. 21652-E.)

This product was short of the declared weight.

On March 17, 1941, the United States attorney for the Southern District of Texas filed a libel against 98 cases of tomato puree at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about February 8, 1941, by the Independent Grocers Alliance from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Fargo Brand Fancy Tomato Puree The net contents of this can is 7 Lbs."

The article was alleged to be misbranded in that examination showed it to be short weight, the average net weight found being 106.79 ounces, a shortage of 4.65 percent.

On April 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1481. Adulteration of tomato paste. U. S. v. 126 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3991. Sample No. 56222-E.)

On March 17, 1941, the United States attorney for the Eastern District of New York filed a libel against 126 cases of tomato paste at Brooklyn, N. Y., alleging that the article had been shipped from Naples, Italy, on or about October 12, 1939, by Paolo Baratta & Figli; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Choice Quality Cyrilla Brand Italian Tomato Paste with Basil."

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1482. Adulteration of tomato paste. U. S. v. 149 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3700. Sample No. 22065-E.)

On January 23, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 149 cases of tomato paste at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about December 31, 1940, by the United States Products Corporation for the account of the Hershel California Fruit Products Co., of San Jose, Calif., from Oakland, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Contadina Pure Tomato Paste."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1483. Adulteration of tomato paste. U. S. v. 5 Cases, 140 Cans, and 16 Cases of Tomato Paste. Default decrees of condemnation and destruction. (F. D. C. Nos. 3725, 3726. Sample Nos. 46392-E, 46397-E.)

On or about January 31, 1941, the United States attorney for the District of Connecticut filed libels against 5 cases and 140 cans of tomato paste at Waterbury, Conn., and 16 cases of tomato paste at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about September 26 and October 29, 1940, by the Hartmann Canning Co., Inc., from Macedon, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Scarlati Tomato Paste."

On March 14, 1941, no claimant having appeared, judgments of condemnation and destruction were entered, with provision for delivery of samples of the seized goods to the Food and Drug Administration of the Federal Security Agency.

1484. Adulteration and misbranding of tomato paste. U. S. v. 55 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3608. Sample No. 46065-E.)

This product not only contained excessive mold, but its label bore the design of pear-shaped tomatoes, whereas it was made in whole or in part from the round variety.

On December 30, 1940, the United States attorney for the District of New Jersey filed a libel against 55 cases of tomato paste at West New York, N. J., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Lawtons Canning Co., Inc., from Lawtons, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Lucatelli Brand Tomato Paste * * * Distributors Lucatelli Packing Co. West New York, N. J."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the design of pear-shaped tomatoes borne on the label was false and misleading.

On April 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1485. Adulteration of tomato paste. U. S. v. 31 Cartons of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 3794. Sample Nos. 33008-E, 33011-E.)

On February 10, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cartons of tomato paste at New York, N. Y., alleging that the article had been shipped on or about December 30, 1938, by Luigi Vitelli & Figlio from Naples, Italy; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Elvea Estratto di Pomodoro."

On March 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1486. Adulteration and misbranding of tomato paste. U. S. v. 31 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 4247. Sample Nos. 22409-E, 22401-E.)

This product contained on an average 21.12 percent of salt-free tomato solids, whereas the regulations require that tomato paste contain not less than 25 percent of such solids. It also was found to contain worm and insect fragments.

On April 8, 1941, the United States attorney for the Southern District of New York filed a libel against 31 cases of tomato paste at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 21, 1941, by the Hollister Canning Co. from Hollister, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "San Benito Brand Naples Style Tomato Paste."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The article was alleged to be misbranded in that it purported to be tomato paste, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard.

On April 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1487. Adulteration of tomato sauce. U. S. v. 49 Cases of Tomato Sauce. Default decree of condemnation and destruction. (F. D. C. No. 3497. Sample No. 21582-E.)

On December 14, 1940, the United States attorney for the Southern District of New York filed a libel against 49 cases of tomato sauce at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 14, 1940, by Stockton Food Products, Inc., from Stockton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Kane's Tomato Sauce."

On January 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VINEGAR

1488. Adulteration and misbranding of vinegar. U. S. v. 20 Cases of Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 2637. Sample No. 13293-E.)

This product contained not more than 3.35 percent of acetic acid; whereas cider vinegar should contain not less than 4 percent of acetic acid.

On August 22, 1940, the United States attorney for the District of Idaho filed a libel against 20 cases of vinegar at Weiser, Idaho, alleging that the article had been shipped in interstate commerce on or about July 18, 1940, for the Kerr Conserving Co. from Portland, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Royalty of the Table Kerr's Pure Cider Vinegar."

It was alleged to be adulterated in that a substance containing less acid than cider vinegar should contain had been substituted wholly or in part therefor.

It was alleged to be misbranded in that the statement "4 percent acetic acid" was false and misleading since it was not correct.

On September 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MEAT PRODUCTS

POULTRY

1489. Adulteration of poultry. U. S. v. Edgar Glenn Morse (E. G. Morse). Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2072. Sample Nos. 85734-D, 85735-D.)

This product was in part diseased or emaciated, and otherwise unfit for human consumption.

On February 13, 1941, the United States attorney for the Northern District of Iowa filed an information against Edgar Glenn Morse, trading as E. G. Morse at Mason City, Iowa, alleging shipment in interstate commerce on or about December 6, 1939, from the State of Iowa into the State of New York of a quantity of poultry that it was adulterated in that it was in part the product of diseased animals, namely, diseased poultry; and in that it was in whole or in part unfit for food.

On February 13, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

1490. Adulteration of poultry. U. S. v. Leo M. Priest and Claude M. Priest (F. M. Priest & Sons). Pleas of guilty. Fine of \$150; defendants placed on probation for 1 year. (F. D. C. No. 2911. Samples Nos. 10425-E, 10426-E.)

This product consisted of emaciated and diseased poultry.

On June 10, 1941, the United States attorney for the District of Minnesota filed an information against Leo M. Priest and Claude M. Priest, trading as F. M. Priest & Sons at St. James, Minn., alleging shipment on or about August 17 and 24, 1940, from the State of Minnesota into the State of New York of quantities of poultry that was adulterated in that it consisted in whole or in part of the product of diseased animals, namely, diseased poultry.

On June 10, 1941, the defendants entered pleas of guilty and the court imposed a general fine of \$150 for the violation charged in the first count and placed the defendants on probation for the violation charged in the second count.

1491. Adulteration of poultry. U. S. v. 28 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3300. Sample No. 34466-E.)

Diseased poultry was found in this shipment.

On October 30, 1940, the United States attorney for the Southern District of New York filed a libel against 28 boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 4, 1940, by the Henderson Produce Co. from Monroe City, Mo.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On November 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1492. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3291. Sample No. 34465-E.)

This product was in whole or in part diseased or decomposed.

On October 26, 1940, the United States attorney for the Southern District of New York filed a libel against 1 barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on October 11, 1940, by the Prairie Produce Co., Inc., from Elkader, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On November 22, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1493. Adulteration of poultry. U. S. v. 8 Boxes of Poultry (and 5 other seizure actions against poultry). Default decrees of condemnation and destruction. (F. D. C. Nos. 3454, 3476, 3563, 3626, 3655, 3948. Sample Nos. 34975-E to 34977-E, incl., 34979-E, 46075-E to 46084-E, incl., 46326-E to 46330-E, incl., 46332-E to 46334-E, incl., 46337-E to 46339-E, incl., 46794-E to 46798-E, incl., 46881-E to 46900-E, incl.)

Examination showed the presence of diseased poultry in these shipments.

Between December 2, 1940, and March 11, 1941, the United States attorney for the Southern District of New York filed libels against 125 boxes of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period beginning on or about October 16 and ending on or about November 30, 1940, by the Rugby Creamery from Rugby, N. Dak.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: "Pleasant Dale Fryers [or "Broilers," "Roasters," "Fowl," or "Poultry"]."

On December 19 and 27, 1940, and January 13 and 29, February 7, and April 14, 1941, no claimant having appeared, judgments of condemnation and destruction were entered with provision for delivery of samples to the Food and Drug Administration.

1494. Adulteration of poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 3477. Sample No. 34980-E.)

Poultry with various disease conditions were found in this shipment.

On December 5, 1940, the United States attorney for the Southern District of New York filed a libel against 1 barrel of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1940, by W. P. Stork from Tyler, Minn.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On December 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DOG AND CAT FOOD**1495. Misbranding and alleged adulteration of Maid O'Meat Dog and Cat Food. U. S. v. 262 Cases of Dog and Cat Food. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 678. Sample No. 64458-E.)**

This product was labeled to indicate that it contained a substantial amount of meat; whereas the animal matter present consisted almost entirely of meat byproducts rather than meat. The product also contained cereal and water.

On October 5, 1939, the United States attorney for the Western District of Washington filed a libel against 262 cases of Maid O'Meat Dog and Cat Food at Seattle, Wash., alleging that the article had been shipped in interstate com-

merce on or about October 25, 1939, by the Star Sales & Brokerage Co. from Portland, Oreg.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a substance containing little or no meat had been substituted wholly or in part for the article which purported to contain meat in substantial quantities. It was alleged to be misbranded in that the statement "Maid O'Meat" was false and misleading as applied to an article which contained little or no meat.

On October 27, 1939, the motion of the Star Sales & Brokerage Co., claimant, for removal of the case to the District of Oregon was denied without opinion. On October 2, 1940, the claimant having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond for relabeling in conformity with the law.

CANDY

1496. Adulteration of candy. U. S. v. Oliver-Finnie Co., and Robert Maynard Hall. Plea of nolo contendere. Fine of \$1,700 against the corporation, and \$300 against the individual defendant. (F. D. C. No. 2838. Sample Nos. 15115-E, 15512-E, 15513-E, 15523-E, 15524-E, 15525-E, 15528-E to 15531-E, incl., 15609-E, 15610-E, 15611-E, 15614-E, 15615-E, 15616-E.)

Samples of this product were found to contain rodent hairs, rodent excreta, insects, insect fragments, and unidentified hairs.

On November 27, 1940, the United States attorney for the Western District of Tennessee filed an information against the Oliver-Finnie Co., a corporation, Memphis, Tenn., and Robert Maynard Hall alleging introduction and delivery for introduction in interstate commerce within the period from on or about January 19 to on or about June 3, 1940, from the State of Tennessee into the States of Arkansas and Mississippi of quantities of candy that was adulterated. The article was labeled in part: "Silver Moon Trade Mark Registered United States Pat. Off. Candies."

It was alleged to be adulterated in that it consisted in whole and in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 3, 1941, pleas of nolo contendere having been entered, the court imposed a fine of \$1,700 against the Oliver-Finnie Co. and \$300 against Robert Maynard Hall.

1497. Adulteration of candy. U. S. v. 13, 14, 6, and 24 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3068. Sample Nos. 31401-E to 31404-E, incl.)

This product contained rodent hairs and a portion also contained insect fragments.

On September 23, 1940, the United States attorney for the Northern District of Illinois filed a libel against a total of 57 boxes of candy at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by the Gilliam Candy Co. from Paducah, Ky.; and charging that it was adulterated. The article was labeled in part variously: "Sally Mint," "Delicious Stick," "Bacon Slice," or "Cello Stick Asst'd."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and it that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1498. Adulteration and misbranding of candy. U. S. v. 41 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2698. Sample No. 20098-E.)

This product contained insect fragments and none of the boxes or labels bore a statement of the ingredients. One lot contained artificial flavor and color.

On September 4, 1940, the United States attorney for the Eastern District of South Carolina filed a libel against 41 boxes of candy at Darlington, S. C., alleging that the article had been shipped in interstate commerce on or about August 13, 1940, by the Dillon Candy Co. from Jacksonville, Fla.; and charging that it was adulterated and misbranded. The article was labeled variously: "2/1¢ Cocoanut Suckers," "Peanut Planks," or "1¢ Blanched Peanut Bars."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient. The lot labeled "Cocoanut Suckers" was alleged to be misbranded further in that it contained artificial flavoring and artificial coloring, and did not bear labeling stating that fact.

On October 1, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1499. Misbranding of candy. U. S. v. 10 Boxes and 10 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 3357. Sample Nos. 15813-E, 15814-E.)

One lot of this candy was in metal-covered wooden boxes, 3 inches deep. The lower two-thirds of the box was divided into three compartments which, however, were empty, the candy being contained in the upper third of the box. The other lot was in cedar boxes which had an inverted cardboard tray in the bottom, which occupied about 27 percent of the lower part of the box and which was empty. The latter lot was also short of the weight declared on an attached punchboard. The boxes in both lots were unlabeled.

On November 7, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 10 boxes and 10 boxes of candy at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 1, 1940, by Di Giorgio Allegretto Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: "Make-Up Chest [or "Cedar Chest"] * * * Allegretto Assorted Chocolates."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading; and in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor nor an accurate statement of the quantity of the contents; in that it failed to bear the common or usual name of the food; in that it was fabricated from two or more ingredients and failed to bear the common or usual name of each such ingredient; and in that the statement on the punchboard enclosed with the cedar chests, "two pounds of * * * Assorted Chocolates," was false and misleading since it was incorrect.

On December 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1500. Misbranding of candy. U. S. v. 14, 19, and 4 Boxes of Candy. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 2285. Sample Nos. 33148-E, 33149-E, 33150-E.)

This product occupied approximately only 70 percent of the space in its container.

On June 27, 1940, the United States attorney for the District of New Jersey filed a libel against 37 boxes of candy at Union City, N. J., alleging that the article had been shipped in interstate commerce on or about June 11, 1940, by the Metro Chocolate Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded in that its container was so made, formed, and filled as to be misleading. The article was labeled in part: "Metro Assorted Candy Drops"; "Metro Sour Lemon Drops"; or "Metro Wild Cherry Drops."

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

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